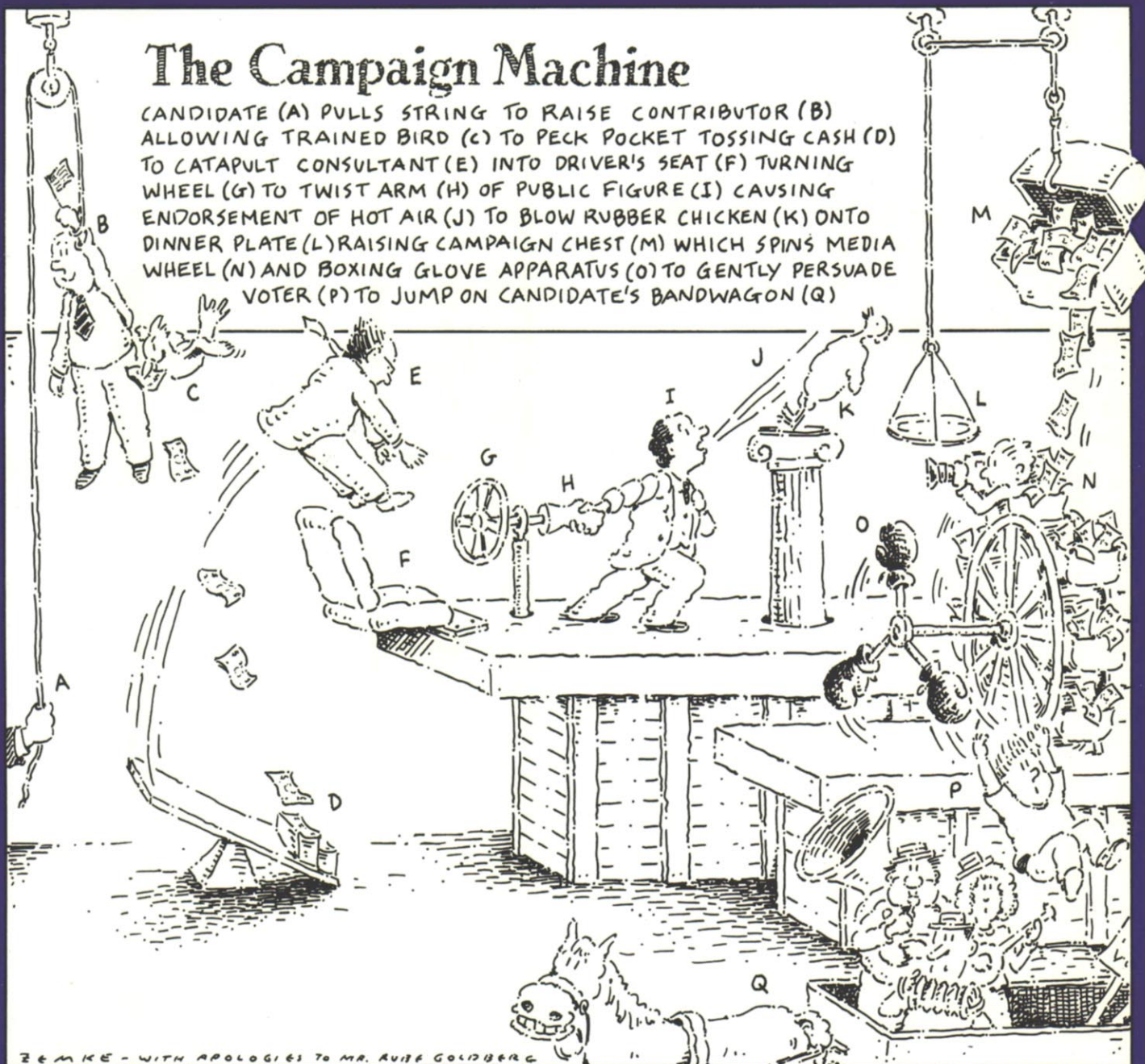


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The Campaign Machine

CANDIDATE (A) PULLS STRING TO RAISE CONTRIBUTOR (B) ALLOWING TRAINED BIRD (C) TO PECK POCKET TOSSEING CASH (D) TO CATAPULT CONSULTANT (E) INTO DRIVER'S SEAT (F) TURNING WHEEL (G) TO TWIST ARM (H) OF PUBLIC FIGURE (I) CAUSING ENDORSEMENT OF HOT AIR (J) TO BLOW RUBBER CHICKEN (K) ONTO DINNER PLATE (L) RAISING CAMPAIGN CHEST (M) WHICH SPINS MEDIA WHEEL (N) AND BOXING GLOVE APPARATUS (O) TO GENTLY PERSUADE VOTER (P) TO JUMP ON CANDIDATE'S BANDWAGON (Q)



The persistence of Tom Bradley
Congressmen discover the art of giving

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VOLUME XX, NUMBER 3

MARCH 1989

Special Section: The 1989 Election Law Guide

Included in this issue is the sixth edition of California Journal's guide to state and federal campaign laws. Completely updated to include recent court cases and the latest changes related to the 1988 Proposition 73, this guide offers practical information of value to candidates, elected officials, contributors and campaign workers. This booklet is also available as a reprint.

Bradley's beat goes on

99

With his most formidable potential opponent out of the race, Los Angeles Mayor Tom Bradley seems assured of his fifth term later this year.

By John Schwada

Fresno frolic

103

The raisin capital of California has a spirited mayoral race of its own this year.

By Joe Rosato

John Doolittle

105

Pugnacious and deeply conservative, Republican state Senator John Doolittle has a penchant for attracting enemies.

By A.G. Block

Mining federal PACs

127

Members of Congress are discovering what California Legislators have known for a long time: There's money and power in them there PACs.

By Michael Doyle

Courts for kids

133

Kids who get in trouble or who come into contact with the law need a gentler place to face the system.

By Terri Jonish

Julian Dixon

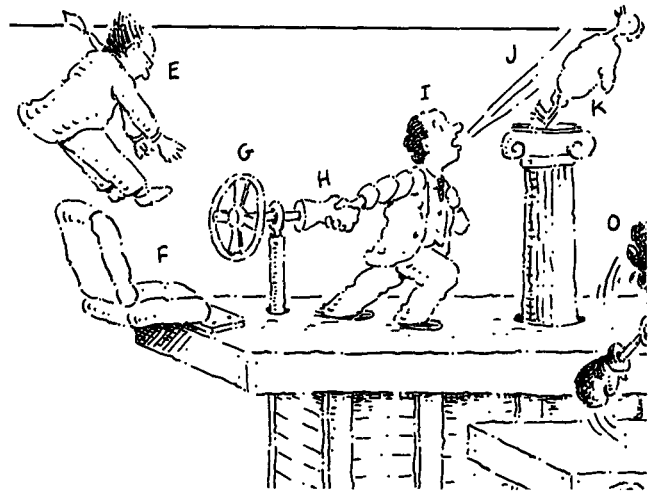
137

Growing influence in Congress hasn't translated into increased aggressiveness for this Los Angeles lawmaker.

By Tom Waldman

Up Front
Rostrum
Liebert

96
98
140



Cover illustration by Deborah Zemke

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UP FRONT

Now that Jerry Brown is back, the key question, as he himself admits, is, "Has he changed?" Friends insist, after traveling in Japan, Mexico and India, that he's different. He will listen now, they say, and seems genuinely to care about the people around him. And the 50-year-old Brown also maintains he's a new man. He'll keep to schedules; he'll pay attention. In short, Brown asserts he is "making certain concessions to reality." Funny, but during his recent media-laden sweep of the Democratic Party convention he looked and sounded an awful lot like the Jerry Brown we knew before. Let us not forget that one of Brown's great talents was to discover the heretofore hidden publicity value in an office — say, secretary of state — and ride it to greater glory. And as Jerry so candidly put it, he doesn't intend for chairman of the state Democratic Party to be his "terminal position."

With Jerry back, can the Brownies be far behind. The answer is "no." And the state's Democratic convention started filling up with them shortly after Brown arrived. By the time he was elected, the place was virtually awash with them. Among the most notable was Jacques Barzaghi, the Frenchman who officially served as Brown's arts advisor but who acted more as a personal guru for the former governor. Barzaghi was observed assessing the aura of the convention hall. In his hand was a

fedora and inside the fedora was a handwritten note from Jerry inviting Barzaghi for drinks.

He may be small, but he looks quick to us. The other Brown, Willie, apparently had a little trouble casting a ballot for his namesake at the state Democratic convention last month. Brown the Speaker — supporting Brown the candidate for party chairman — arrived just as the polls were closing. A supporter of Steve Westly, who was opposing Jerry Brown, blocked the speaker's path to the voting booths. According to delegate Robert Cheasty, a Jerry Brown organizer who witnessed the incident, Speaker Brown and the burly Westly pollwatcher "got into it." After some shoving and "heated words," Cheasty said the speaker pushed his way past the Westly partisan and voted. Brown spokeswoman Susan Jetton confirmed that at least a verbal exchange had occurred. As for the shoving, she said she "can't confirm or deny" that had happened.

(Max Boot, Berkeley)

Assemblywoman Sunny Mojonier hasn't been too popular with some of her Assembly Republican colleagues lately. She annoyed them when she refused to go along with the caucus' attempt to oust Willie Brown and replace him with Gang of Five Democrat Charles Calderon. So she was telling anyone who asked that her garb at the annual Mardi Gras put on by Capitol Network, a group of women who work in and around the Capitol, was designed to send a message to the Republicans. She was dressed as Joan of Arc.

The guy who ran the campaign against the cigarette tax, political consultant David Townsend, recently "invited" everyone on his staff to have a professional fitness evaluation and body fat analysis, paid for by Townsend and performed by his personal trainer. Participation was optional, but the staff was told the results will go into their personnel files and be reviewed at bonus time. We hear participation was 100 percent. By the way, Townsend runs a "no smoking" office.

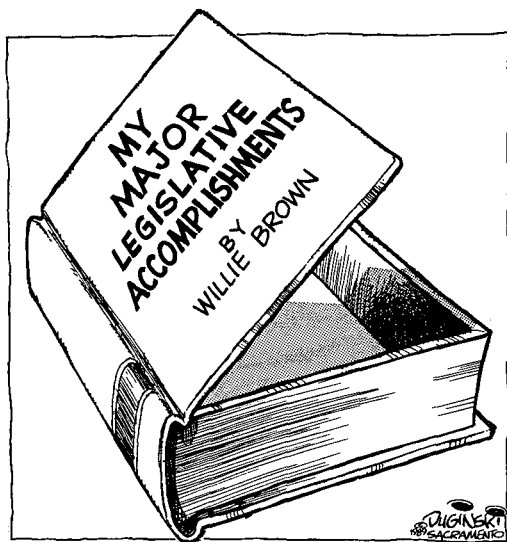
State Librarian Gary Strong has a suggestion for dealing with all those governmental programs that ought to end but never do. He proposes creation of a hospice for terminal programs where committed constituencies can properly grieve as the programs die in an humane environment.

Alas, each year we make a mistake or two putting together our annual *Roster and Government Guide*. Occasionally, some of these miscues are even vaguely amusing. This year, for example, we transposed two numbers for the Los Angeles office of state Controller Gray Davis. His office is actually at 6300 Wilshire Boulevard. We moved him to 3600 Wilshire. That would put him right next door to the office of Attorney General John Van de Kamp, who is located at 3580 Wilshire. That would be close enough for them to keep an eye on each other, should they end up as competitors in a Democratic primary for governor.

Patricia Gundera, professor of education at California State University, Sacramento, and a former consultant at the Assembly Office of Research, included the following tragic statistic in a presentation at the recent "Envisioning California" conference held in the state capital: The chance of a Black male in California completing college is less than his chance of being incarcerated.

Where there is an open mind,
there will always be a frontier.
— Charles Kettering

Come across a blurb lately that's nosy, newsy or smart-alecky about California government, politics or politicians? Share it with the Journal. We pay up to \$25 for entertaining tidbits published in "Up Front." So, rush your items to Up Front, 1714 Capitol Avenue, Sacramento, CA 95814. Sorry, submissions cannot be returned.



ROSTRUM

Voting rights

Your article on voting-rights cases now pending against Los Angeles County (see "A threat to the princes," *CJ*, January 1989) contained no discussion of the three elements which the Supreme Court requires in order to find a violation of Section 2 of the Voting Rights Act. First, a minority group must show that its members would be an "effective voting majority." In other words, there must be enough members of the minority group to comprise the majority of voting-age citizens in that district. The county has repeatedly asked both

the Justice Department and the other plaintiffs to show us how a voting-age-citizen Hispanic majority district might be formed in Los Angeles County. We have found it mathematically impossible. Each plaintiff has now submitted a list of census tracts which they claim satisfy this legal requirement. Neither does. The second element is that the jurisdiction's elections are characterized by pervasive polarized voting — voting along racial lines. The third related element is that the majority regularly defeats candidates favored by the minority.

Contrary to commonly voiced assertions that no Latino has been elected to the board during its 140 years, in fact at least 12 Hispanics (persons of Spanish surname) have been elected to the

Board of Supervisors prior to 1900. A member of the current board, Supervisor (Pete) Schabaram, is of Hispanic ancestry. Also elected to countywide office was Sheriff (Eugene) Biscailuz, who served from 1932 to 1958.

DE WITT W. CLINTON
Los Angeles County Counsel

Grassroots

I was delight to read the article "A flowering at the Grassroots" in your November 1988 issue. Grassroots politics is not the latest political fad, it is the purest and highest form of democratic participation in our society. In November, Larry Tramutola, who ran my grassroots efforts in 1987, lead the massive statewide effort which turned out more than 800,000 "occasional" Democratic

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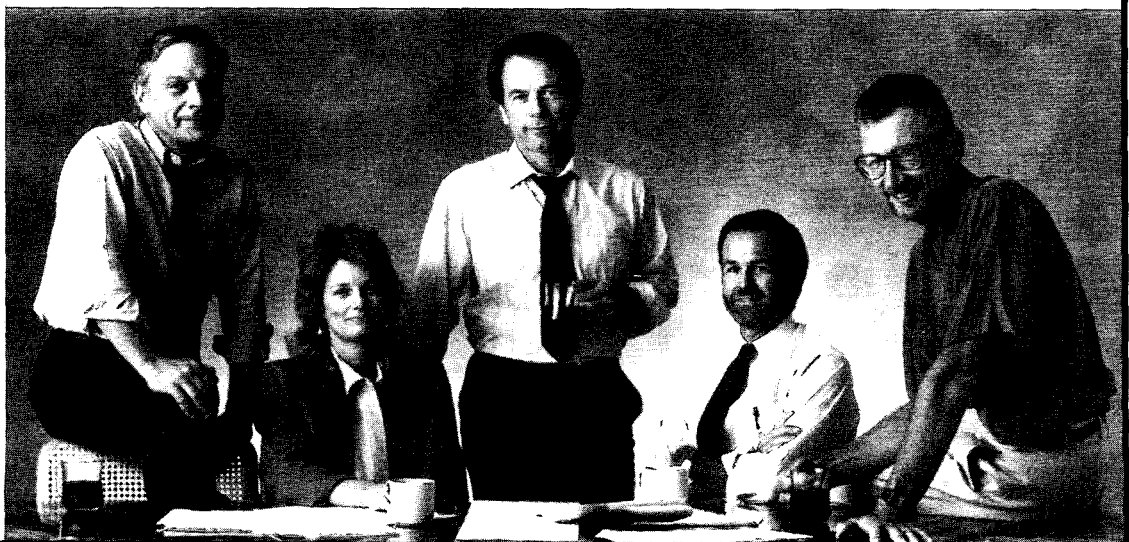
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voters. This unprecedented effort is credited with the winning margin in the three new Democratic Assembly seats and for the successful passage of Cal-OSHA (Proposition 97), School Funding (Proposition 98), and Insurance Reform, (Proposition 103). By the way, you continually referred to Tramutola in your article as Travatola. Perhaps you have him confused with John Travolta. This is a bad mistake. While Larry is a terrific organizer, he is not a good dancer.

ART AGNOS
Mayor, San Francisco

Prop 103

In your election wrap-up (*CJ*, December 1988), you comment regarding Proposition 103 that the "eight counties it won were mostly large, mostly urban and, with the notable exception of Orange, mostly Democratic and consumer-oriented." I worked with the 103 campaign for part of 1988 and suggest that the "notable exception" of Orange County should have tipped you off to a decisive factor other than the ones you listed: Proposition 103 won in counties that either had a Voter Revolt office or were canvassed by Voter Revolt participants.

Voter Revolt, the organization that Bill Zimmerman and Harvey Rosenfield have put in place with Proposition 103's amazing success, is intended as a permanent venture. With that success to build on, it should be a factor in initiative politics through the next election cycle at the very least.

RICHARD S. PIEDMONTE
Concord

Election '88

We appreciate the mention of our association's name in your magazine (*CJ*, December 1988). However, there is an error that needs to be corrected. While we did actively and intensively support Phil Isenberg in his successful re-election campaign against Sacramento Sheriff's Lieutenant Larry Bowler, we did not support Tim Leslie in the 5th Assembly district. SCDSA supported Roseville City Councilman John Byouk. To our knowledge, Assemblyman Leslie did not claim our support and, if he did so, it was without our knowledge or permission.

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The persistence of Tom Bradley

Despite L.A.'s woes, Mayor Tom is about to win his fifth term

By John Schwada

The 1989 Los Angeles mayoral contest has already ended with a whimper. But for some puckish trick of fate, Tom Bradley will win an unprecedented fifth term as mayor of the City of Angels. To be sure, Bradley, 71, has challengers. City Councilman and ex-state Senator Nate Holden, a maverick with a Barnumesque flair for theatrics, and former county Supervisor Baxter Ward, a political celibate who refuses campaign donations, also want to reside at Getty House — the mayor's official residence. But it was Councilman Zev Yaroslavsky's withdrawal as a candidate that turned the race into a Bradley cakewalk.

The 40-year-old Yaroslavsky, blessed by the political machine of Westside congressmen Howard Berman and Henry Waxman, had looked to be the toughest mayoral challenger to surface since Bradley himself stepped into the ring with Sam Yorty 16 years ago. Yaroslavsky had prepped for the

match-up for 18 months, boosted his bona fides as a leading slow-growth champion by scoring a key ballot-box victory last November against an Occidental Petroleum oil-drilling plan, finessed Bradley twice on the issue of beefing up police manpower and put \$1.8 million in his campaign warchest.

None of it was enough. His effort to "penetrate Bradley's teflon coat" would "in all likelihood fail," pollster Arnold Steinberg told Yaroslavsky, his client, in a memo released to reporters. Steinberg's numbers showed Bradley with a three-to-one edge and a popularity seemingly impervious to 18 months of active Yaroslavsky-stumping. After mulling over the data, the Jewish lawmaker threw in the towel. "An uphill fight is not something I shrink from, but this was more than an uphill fight. It was, from my point of view, virtually impossible," Yaroslavsky wearily told reporters.

Yaroslavsky's about-face stunned the Los Angeles political world, which had expected a tough debate about the leadership of a city that sometimes looks to be a palm tree-lined swamp of drug dealers, street gangs, traffic congestion, smog, mini-malls and high-rises, sewage and unaffordable

John Schwada is City Hall bureau chief for the Los Angeles Herald Examiner.



housing.

Although the city's problems suggested a Bradley vulnerability, Steinberg found a schizoid electorate. While Yaroslavsky's views on growth limits, oil drilling and police manpower were far more in step with the electorate than Bradley's, the mayor "retains his personal popularity and is not being held accountable for his issue positions or problems within his administration," Steinberg said in his memo.

"To be mayor as long as he has and not be run out of town on a rail is quite a feat," said Larry Berg, director of the USC Institute of Politics and Government.

What explains Bradley's grip on the Los Angeles electorate, a grip so firm it daunts the city's best and brightest and endures despite the city's manifest problems? Bradley himself serenely attributes it to his "special rapport" with voters. True, but it seems to beg the question.

Some see the mayor's popularity tied to a new Los Angeles chauvinism, born of prosperity and the city's rise to world-class status. When Bradley first entered the mayor's office in 1973, Los Angeles was widely seen, even by its denizens, as a garish metropolitan upstart. But that's changed. On Bradley's watch, the city hosted the 1984 Olympics with style and no debt, acquired an impressive downtown skyline, became a financial capital second only to New York City and a major entry port for burgeoning Pacific Rim trade.

Angelenos no longer blush about Tinseltown. Indeed, they are proud of their hometown. New Yorkers move to Los Angeles and remark favorably on its vital bistro and cultural life. The dignified, yet occasionally amiable, Bradley, whose reign has coincided with the city's growing maturity and successes, has been able to prosper politically from the heightened civic pride.

"Any longtime Angeleno must recognize the extraordinary period of growth over the past 16 years....Based upon any objective standard — commerce, culture, clean government, economic health, city services — Los Angeles is a better place because of Tom Bradley's leadership," veteran politi-

cal consultant Joe Cerrell wrote in a *Los Angeles Daily News* op-ed piece.

"There's no doubt Tom Bradley has presided over an L.A. that has risen to world prominence and that there's a residue of good feelings toward him because of this," added Harold Meyerson, a leftist Los Angeles newspaper columnist and sometime political consultant.

But the city's physical growth also has been unsettling. Signs of unrest were evident in the passage of Proposition U, a 1986 measure that cut commercial and industrial development and the 1987 defeat of Council President Pat Russell, a Bradley favorite ousted by a motley band of urban environmentalists. It was just this discomfort with the city's fast-paced growth, a sense that its world-class status had bred world-class woes, that Yaroslavsky hoped to tap with his insurgent mayoral candidacy.

As the tide swung in favor of growth moderation, Bradley did not remain flat-footed. Shortly after Russell's defeat, Bradley hired Mike Gage, a former Napa assemblyman, Jerry Brown protege and ex-river raft expedition guide, as deputy mayor to put out the fires.

"The number-one reason [Bradley's not in political trouble] is Mike Gage. He's revitalized the office and put the mayor closer to the cutting edge on issues," said Berg, echoing the opinion of many others. "The mayor's enough of an old-fashioned politician that he keeps his finger on the city's pulse. When he sees trouble, he moves on it."

Gage's top mission was to stop the Westside hemorrhage. For years a redoubt of his support, the liberal, heavily-Jewish Westside had grown disaffected from Bradley, angered by the mayor's support of Occidental Petroleum's seaside drilling plan and ill-at-ease with his seeming nonchalance about quality-of-life issues, his commitment to the growth-ethic. And in Yaroslavsky, the Westside had a favorite son.

But with Gage as impresario, Bradley adjusted. He re-



versed himself and killed an unpopular plan to build a hi-tech trash-burning facility and won approval to slash development in the city by one-third to relieve its cranky, aging sewer system. Then there was a spate of plans and blue-ribbon reports: ones to curb traffic-clogging truck use of city streets, to build more affordable housing, to provide day-care centers and to reduce smog. The mayor also boldly tweaked Yaroslavsky about his own development-bloated district, even vetoing one controversial project because, he claimed, a Yaroslavsky-shaped deal gave its developer too much.

Although his flurry of born-again initiatives were sometimes hackneyed and over-due, they also showed Bradley to be agile enough to know how to neutralize the Yaroslavsky advantage among Westsiders and urban environmentalists. That advantage had always been problematic, given the historic role of Westside Jews in the Bradley coalition, and it was rendered more so by the August 1988 flap over a confidential memo written by Berman & D'Agostino Campaigns. The memo starkly advised Yaroslavsky to use his Jewishness to tap Jewish contributors and puffed that Yaroslavsky had a 50 point IQ edge over Bradley. Jews and Blacks alike damned the memo as racist-tinged amid hand-wringing about what such thinking might portend for Black-Jewish relations in a Bradley-Yaroslavsky mayoral race. Thus, when Yaroslavsky decided to drop out, the local *Jewish Journal* sighed with relief, running a story with the headline: "Yaroslavsky's Withdrawal Averts Black-Jewish Rift."

With Jews skittish about Yaroslavsky's candidacy, the mayor moving to absorb Westsiders' growth and environmental concerns and Bradley's base in the Black and downtown business community secure — many political technicians had to look no further for explanations of the mayor's seeming invincibility. Added Gage, "Voters are too smart to blame Tom Bradley for traffic on the freeways and gang violence. These problems are too big to be blamed on one man."

Maybe. But others saw ample reinforcement for the mayor's teflon-coat coming from a docile media. At least that

was the thesis grumpily posited by Steinberg in a post-mortem of the failed Yaroslavsky bid that appeared in the *Los Angeles Herald Examiner*.

In particular, Steinberg carped at the electronic media — which in Los Angeles far more than in other, more literate cities dominates the city's mental life — for giving Bradley "a remarkably free ride." The evidence was in the numbers, Steinberg said. His polling had found few people who knew the city's police force had remained virtually the same size during Bradley's regime and that more cops were added in recent years only at Yaroslavsky's prodding. Nor did voters know about Santa Monica Bay sewage spills or that Bradley, who had successfully dinged Yorty's globe-trotting in 1973, is a well-traveled junketeer.

"His would-be-rivals must, in effect, start from scratch in making the case against Bradley," Steinberg wrote. And the pollster later found verification for his thesis when no TV or radio reporters interviewed him about his Yaroslavsky polling data. That was "fairly revealing," he said.

Rick DuBrow, *Los Angeles Herald Examiner* TV critic, who has also observed the puny political content of electronic media news coverage, said, "The cameras go where there's excitement, and Bradley's not exciting." Especially not so in a city full of movie stars and where City Hall, under Bradley's regime, has been relatively free of easy-to-tell scandals.

If pioneering leadership and excitement go hand-in-hand, certainly Bradley has neither. After all, it was Bradley in his 1982 gubernatorial bid who had stumped on a slogan that made blandness a battle-cry: "Tom Bradley. He doesn't make a lot of noise. He just gets things done."

But Bradley's plodding way is also seen as a key to his success. On most issues the mayor waits for a consensus to

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develop or quietly helps build one before acting — and then acts in moderation.

How else to explain, for example, why there was almost no building industry outcry when Bradley moved in 1988 to curb future development by one-third with a system of rationing sewage hookup permits. In fact, the proposal hardly came from left field, a complete moratorium on such hookups having been previously advocated for several years by environmental activists. The building industry, like Bradley, finally saw the handwriting on the wall. If not the Bradley plan, then a more draconian one might be mandated by federal and state authorities as a way to ease the strain on the city's notoriously leaky sewage system.

And while sewage spills onto Santa Monica Bay beaches got some media coverage, the early advocacy by environmentalists of growth controls as a solution to this mess got almost zilch. This void gave Bradley the luxury of crafting a moderate solution, acceptable even to the building industry, before it looked as if his administration were recalcitrant and beset by critics.

And it is a testimonial to Bradley's personal style that none of his efforts to spruce up his image in the past year have looked too discrepant. Because the man is mild and polite, he rarely makes enemies. Because he's politically bland and non-threatening, he can move in all circles.

Bradley also knows when to take a walk. During the city's divisive school-busing controversy of the late 1970s, he remained neutral. When the issue of the day was Proposition O, a November 1988 ballot measure to block Occidental Petroleum's oil drilling plans in the Pacific Palisades, the mayor sat on the sidelines. Let voters decide the proposition's fate, he said calmly. Amazingly, the city complacently swallowed that

reasoning although it came from a man who had enraged environmentalists by signing a law in 1985 allowing Occidental to drill — the very action Proposition O, which prevailed at the polls, sought to nullify.

"The issue is not that everyone loves Tom Bradley, but why no one has gone after him seriously. The city's political leadership lets him get by with a lot," said Los Angeles political consultant Rick Taylor. Some who also see such anemia believe it may spring from the city's council-ward system, which divides the city into 15 council fiefdoms, its non-partisan elections, the Bradley-encouraged, quasi-myth of the city's "weak mayor system" of government and Los Angeles' sprawling size.

When council members can be content that they'll be reelected simply by tending to the parochial interests of their bailiwicks, when party plays no role in catalyzing partisan fevers in municipal elections, when voters believe the city's mayor is institutionally weak, when the city's disconnectedness is such that residents of Encino or Sunland literally do not know they live in the city of Los Angeles and when people can — and do — live for years without venturing to the city's downtown, to Watts or Westwood, there may not be much in the way of building blocks for local politicians to use in developing city-wide critiques, organizations and constituencies. All this, claims Meyerson, produces a Los Angeles that is woefully "politically underdeveloped."

What does it boil down to? The metaphor was not his alone, but Berg put it this way: "The best analogy to Tom Bradley is Ronald Reagan. People like him. While the city's got troubles, the voters don't feel they're too bad. And when you have any doubts, you stick with the status quo." 🏠

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And in Fresno, the big issue is ... San Francisco

By Joe Rosato

The city of Fresno, one of California's fastest-growing areas, is facing problems of rapid growth, rising crime rates and a deteriorating downtown.

So what issue has created the most excitement in the battle for mayor, to be decided in the March 7th election, of this central San Joaquin Valley town of more than 300,000? San Francisco.

The political detour began in December when the San Francisco Board of Supervisors endorsed the grape boycott to support the United Farm Workers union in its complaints about poor working conditions, pesticide use and the lack of sanitary facilities for farm workers.

The attention the Bay Area supervisors' generated in their own town was nothing compared to the reaction their endorsement sparked in Fresno. It touched off a political confrontation in Fresno's mayoral campaign, prompting candidate Tony Capozzi, a lawyer in private practice, to question the agricultural allegiance of his main opponent, Councilwoman Karen Humphrey, who at the time was planning to attend a Fresno reception for San Francisco Mayor Art Agnos.

Capozzi thought he would make political hay by capitalizing on what he guessed would be Humphrey's support of the farm workers in an area that is heavily fertilized with the opinions of growers.

But Humphrey fooled him. Although she did not cancel her plans to attend Agnos' party, Humphrey came out publicly opposing the grape boycott.

Agnos said he wanted no part of Fresno politics and cancelled his visit and the party, which was designed to thank the Fresno-area supporters of his mayor's race. Agnos said he was not going to be "sucked into" a "campaign stunt."

And Capozzi lost a campaign issue.

Were the front runners now ready to turn to the issues? Not quite.

The San Francisco connection in the local campaign surfaced again when it was discovered that Capozzi's "Blueprint for a Better Fresno" was printed in, of all places, San Francisco. Fresno printers complained.

"How can Tony Capozzi stand up and say he is for Fresno and then take his printing out of town to San Francisco?" said one printer. "He criticizes San Francisco and then goes up there for his printing."

Capozzi acknowledged that the brochure was printed in San Francisco, but added that he has used Fresno printers for three other documents. "The real issue is not who prints the brochure, but what's inside it. In our 'Blueprint for a Better Fresno,' we discuss the issues we want to deal with in this campaign."

Not to be outdone, Humphrey has her own "Action Plan for Bringing Pride Back to Fresno." It was printed in Sacramento.

Once the squabbles over printing were exhausted, were the candidates finally ready to tackle the issues? No, not yet.

Capozzi criticized Humphrey for "violating the spirit" of the state campaign laws when she did not file her statement of candidacy with state election officials before she began raising money for her campaign. Her report showed she received \$5525 in contributions before the statement was recorded by the Fair Political Practices Commission.

Two days later, Humphrey tried to turn the tables on Capozzi, saying he should return as much as \$6500 in campaign contributions because she said they appear to exceed state and local contribution limits.

Capozzi denied any violations. Instead, he said, state and local legal officials have been giving "ambiguous opinions" on the contribution limits.

Voters got a hint early in the campaign of the direction the contest could have taken if it had not been sidetracked.

Capozzi thinks that Humphrey, whose strength is her ability to build coalitions, is vulnerable on the leadership

issue. He calls her indecisive and says that she can't lead because she "spends too much time studying issues."

Humphrey counters by saying she will provide leadership by becoming a mayor who can bring



Humphrey

Capozzi

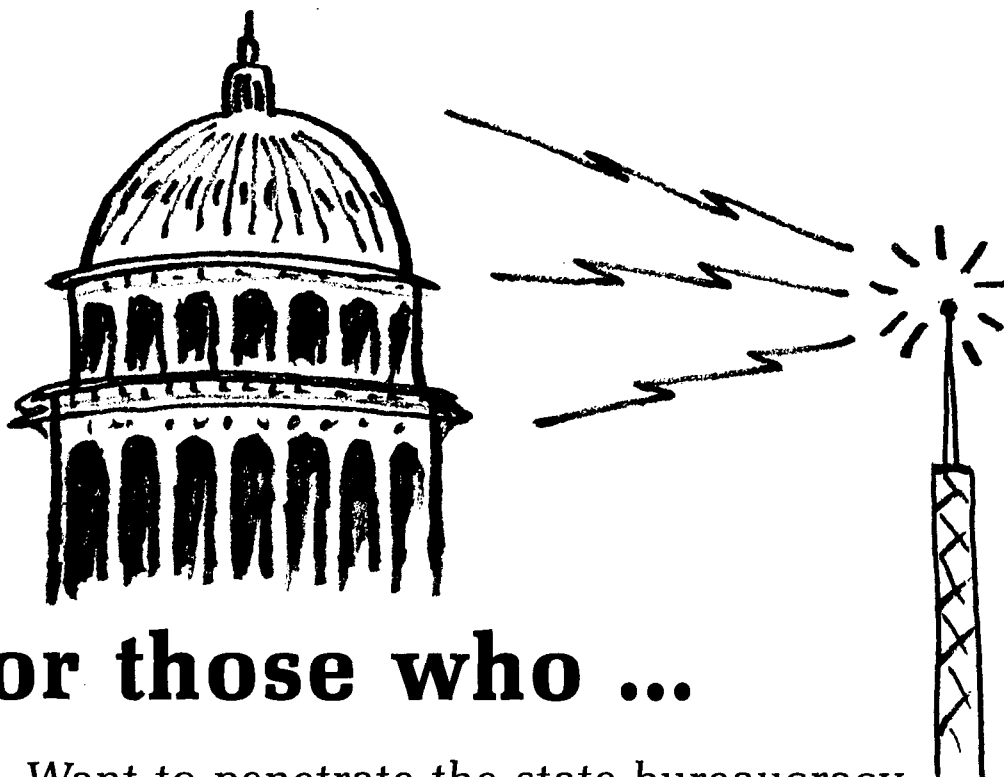
all parts of the community together to solve problems. The two-term councilwoman says her leadership style puts people first and that she offers "leadership the people can trust."

Although there are six other candidates in the race, Capozzi and Humphrey are clearly the front-runners. They have all the bucks and the political organization needed to mount a formidable campaign. They have hired out-of-town political consultants to run their campaigns; Capozzi by Clint Reilly of San Francisco and Humphrey by David Townsend of Sacramento. Humphrey has amassed \$85,403 in campaign contributions to Capozzi's \$137,000, according to their latest spending reports.

Although Capozzi is expected to outspend Humphrey, Townsend said Humphrey has a high name identification from her time on the council and her years as a Fresno television newscaster, and will not need as much money to reach her supporters.

Capozzi, an attorney in private practice, has also been highly visible. In 1973 he was named assistant U.S. Attorney for the Eastern District of California and was assigned to the Fresno office. Eleven months later he was promoted to supervising attorney in charge of the Fresno office. He served there until 1978, when he made an unsuccessful run for Fresno County district attorney.

Joe Rosato is a writer for The Fresno Bee.



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JOHN DOOLITTLE:

The Senate's combative conservative

By A.G. Block

In the early 1960s, when John Doolittle entered the eighth grade, a typical California boy his age dreamed of surfing or of one day roaring around the freeways in a Corvette. Grooving on the Beatles and the Beach Boys, John Doolittle grooved on Jeffersonian thought and dreamed of one day serving in the United States Senate.

When John Doolittle entered the eighth grade, many California boys idolized Sandy Koufax and Tommy Davis and Gail Goodrich and Jerry West and Elgin Baylor. John Doolittle rooted for Richard Nixon and Barry Goldwater.

"I grasped the issues and arguments in politics at an earlier age than most of my peers," Doolittle explained. Not only grasped them, fretted over them. "God gave us certain rights. Government does not exist to redistribute wealth but to guarantee that you can enjoy the fruits of your work," he said, paraphrasing Thomas Jefferson. "I was fascinated by these ideas in the eighth grade."

Portrait of a conservative creating himself.

Even as a budding teenager, Doolittle worried that the U.S. Constitution was under siege and that a chance to enjoy the fruits of his labors was being eroded by an ever-expanding federal government. And he wanted to do something about it. "I knew I had a role to play in the affairs of the nation."

Continued on next page



Grandiose ambitions for a 13-year-old. But Doolittle's life has been shaped by ambition, and by a political philosophy which has changed little since junior high school. Mix ambition, rigid ideology and a fascination with hardball politics in the same test tube and the result is often pugnacity and a willingness to let the ends justify the means. The result is often a politician like John Doolittle: tough, aggressive, uncompromising and selectively principled.

Today, 25 years after junior high school, John Doolittle has emerged as the state Senate's keeper of the conservative flame, a combative black-belt conservative; hard core, rigid, flinching not an inch in defense of the United States Constitution — as written, peri-

od. With exceptions.

As a result, Doolittle is a politician who does not generate indifference; people either like him or despise him. He has intense, uncompromising allies and enemies. He is also, after eight years in the Senate, still something of an outsider on the inside. He is the Republican caucus chairman, yet some contend he was given the post to placate conservatives, not because he is well-liked.

His enemies — mostly Democratic — have made Doolittle's political career, well, bumpy. Constantly the target of Democratic slings and arrows, Doolittle, in this decade, has endured four grueling and expensive election cam-

paigns for the state Senate. Thanks to Democratic redistricting schemes, he was forced to run for four-year terms in 1980, 1982 and 1984. In 1982 he had the unique distinction of remaining in office after losing an election.

That Republicans and Democrats don't get along is a canon of political law, but Doolittle generated extra animosity in his very first Senate bid (1980 from the 3rd District) by ambushing one of the Democrats' most venerable incumbents — Al Rodda of Sacramento, a 22-year veteran of the Senate. Before the election, Doolittle had been an aide to conservative GOP state Senator H.L. Richardson, at whose feet he learned the blitzkrieg election technique of the direct-mail hit piece. After the election, Democrats rewarded him in the 1981 reapportionment by changing the number on his district from 3 to 6, thus forcing him to run again in 1982. (State senate elections alternate between even- and odd-numbered districts.) They added insult to injury by crafting the new 6th District for a Democrat and recruiting feisty Assemblyman Leroy Greene to oppose Doolittle. He lost the election but, because he had been elected to a four-year term in 1980, remained in the Senate for another two years — a man without a constituency. To keep a Senate seat beyond 1984, he had to find new turf.

As a sop to Richardson, Senate Republicans came briefly to Doolittle's rescue by throwing one of their own to the wolves. In a new reapportionment scheme (voters dinged the first one in a 1981 referendum), Doolittle's home was included in the sprawling 1st District through a bit of creative cartography — the so-called "Doolittle Dip." Never mind that the 1st District was already represented by a Republican, Ray Johnson; party poohbahs thought the 73-year-old Johnson would retire in favor of Doolittle, then 33. Democrats went along with Republican wishes. Johnson did not. He left the GOP and filed for reelection as an independent.

Senate Democrats, eager for another shot at Doolittle, actively supported Johnson. Even some Republicans, notably Assemblyman Stan Statham, supported Johnson. It was a hard-fought, multi-million dollar battle that Doolittle narrowly won. He prevailed partly because he broke the law by providing last-minute, under-the-table help to the nominal, much-disregarded, much-ignored Democratic candidate — Jack Hornsby. Hornsby, thanks to a mailer financed by Doolittle, took just enough Democratic votes away from independent Johnson to swing the election.

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Doolittle paid the price for his shenanigans; he, his campaign manager and Hornsby were all fined by the Fair Political Practices Commission; Doolittle's campaign had failed to report their help to Hornsby as required by the Political Reform Act. Doolittle himself claimed he never authorized the mailer, but the FPPC thought otherwise.

Politically, Doolittle piled up even more animosity. The campaign against Johnson had been tough and bitter, and John Doolittle was down in polls through most of it. Backed against the wall, he showed himself to be both formidable and devious. Johnson, like Rodda before him, was a veteran legislator much-respected and much-liked on both sides of the political aisle. His many friends in the Senate, and in the Republican Party, were disturbed by the tone of the campaign. Johnson himself went to his political grave bitter over the election. Thus, Democrats didn't like Doolittle because he had defeated Rodda; now many Republicans didn't like him because he had beaten Johnson.

Last year Doolittle stood for election for the fourth time in the 1980s. Once again, he was targeted by Democrats and, once again, the campaign turned nasty. His opponent was Sutter County Sheriff Roy Whiteaker who tried to portray Doolittle as a right-wing zealot bent on pursuing AIDS legislation at the expense of district affairs. Doolittle countered that Whiteaker was "totally corrupt and immoral."

In terms of viciousness, the coup d'état campaign was delivered against Doolittle by *Sacramento Bee* columnist Pete Dexter on the day before the November election. Dexter, a journalistic slasher who does not often rip into things politically, referred to Doolittle as "a lying, unprincipled, crooked piece of human garbage."

Hefty verbiage, even for a Doolittle campaign.

"Libelous," complained Doolittle, who said he could not sue Dexter or the *Bee* because "I'm just a middle-class man" without the resources to "even climb into the ring with them."

Doolittle blames Democrats for the way his campaigns always seem to sink into the muck. He even blames them for forcing him to violate the law. For instance, he argues that Democrats were responsible for his troubles with the FPPC over the 1984 election. "They [Democrats in the Senate] cheated to steal that election [by supporting Johnson] and were outraged when we stole it back," he said.

"Nasty campaigns beget nasty

campaigns," Doolittle reasoned. "I'm the guy who always gets credit for the nasty campaign." This, he maintains, is unfair. "I believe in running an above-board campaign. Last time [1988], we held out as long as we could to keep things on a positive note. They attacked my personal integrity. They attacked my record as a legislator. They mischaracterized me, and I felt they went overboard."

Yep, we were responsible for it, agreed David Townsend, the Sacramento-based political consultant who

managed Whiteaker's campaign. Doolittle, he said, ran a relatively clean campaign until Whiteaker plunged it into the slough. "He was ahead in the polls and could afford to be nice," Townsend said of Doolittle.

If Doolittle is miffed by the animosity he evokes among Democrats, he is also resigned to it. "I said in 1982 that that campaign [against Leroy Greene] was the worst I'd ever been associated with," Doolittle says today. "Then I said the same thing about 1984 [against Ray Johnson]. But 1988 outdistanced even

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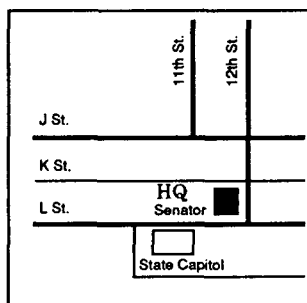
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1984. It will never get any better."

Why don't people like John Doolittle? He seems pleasant enough. He dresses in neat slate-gray suits, keeps his hair combed. He doesn't brag in public. He's a devout Mormon, a devoted father and husband who believes in god and country.

The subject professes not to know. "I wonder about it," he said. "I get the feeling that those on the other side are consumed by it [animosity]. The left wing seems to promote conflict... I believe in a kinder, gentler America where politics and personality should be separate. We should agree to disagree."

A nice sentiment. But perhaps part of Doolittle's problem lies in the fact that, in the world of hardball politics, John Doolittle does things that are not kind and nowhere near gentle. In late 1987, for example, he sent out a fundraising letter that Latino legislators considered blatantly racist. The mailer warned that a Democrat-sponsored bill allowing Californians to register and vote on the same day would mean "tens of thousands of illegal aliens, many of whom cannot even speak English, casting their ballots in your district and cancelling out your vote!"

Assemblyman Peter Chacon, a San Diego Democrat, accused Doolittle of "appealing to the worst fears and prejudices of the Anglo majority." In a heated exchange in a Capitol corridor, state Senator Art Torres demanded an apology, charging that the GOP lawmaker was "trampling minorities for the purpose of raising money." Doolittle not only refused to apologize but reaffirmed his support for the mailer.

The letter points out a contradiction in Doolittle: What he says is not always what he does. His posturing about a "kinder, gentler" politics is precisely that — posturing which often gives way to tough hardball.

When people truly "agree to disagree" they often express admiration for their adversaries. John Doolittle says he admires people who have strong principles and are willing to go to the wall for those beliefs rather than temper them to the popular will. Yet he has trouble naming any Democrats he admires, preferring to accuse them *en masse* of practicing "situational ethics." He also has trouble explaining situational ethics or citing examples of Democrats who bend their beliefs to suit the public mood. After much thought, Doolittle said he admires Senate President pro Tempore David Roberti for his pro-life stand on abortion. He even admitted a grudging respect for the way former

state Supreme Court Chief Justice Rose Bird rode her principles to a political Waterloo in 1986.

"I totally disagreed with [Bird's] principles and worked hard to get rid of



Photo by Rich Pedroncelli

her," Doolittle said. "But she had the courage of her convictions."

Beyond those examples, Doolittle could not think of a contemporary Democrat he admires or respects. "Agree to disagree" is the rhetoric. "Disagree and protect yourself" is the message.

"Politics is a tough business," Doolittle explains.

Around the Capitol, Doolittle is known as cagey and not always above board. According to a prominent lobbyist who asked not to be identified, Doolittle "is one of those members who, if one of your clients has a problem, say, in the governor's office, and you ask him to intervene, he'll agree with you that your client is getting screwed and make you feel he understands. Then, he'll walk down to the governor's office and tell them to keep sticking it to your client."

Politics aside, Doolittle's rhetoric on other subjects betrays conservative thought that is selectively inconsistent. For instance, he portrays himself as a staunch defender of the U.S. Constitution. He is uncompromising in his belief that government has no right to abridge the Second Amendment, the "right to bear arms" provision currently at the vortex of controversies over gun control. On the other hand, Doolittle has no trouble paring down the First Amendment, especially freedom of speech, in order to curtail what he perceives as a threat to his way of life.

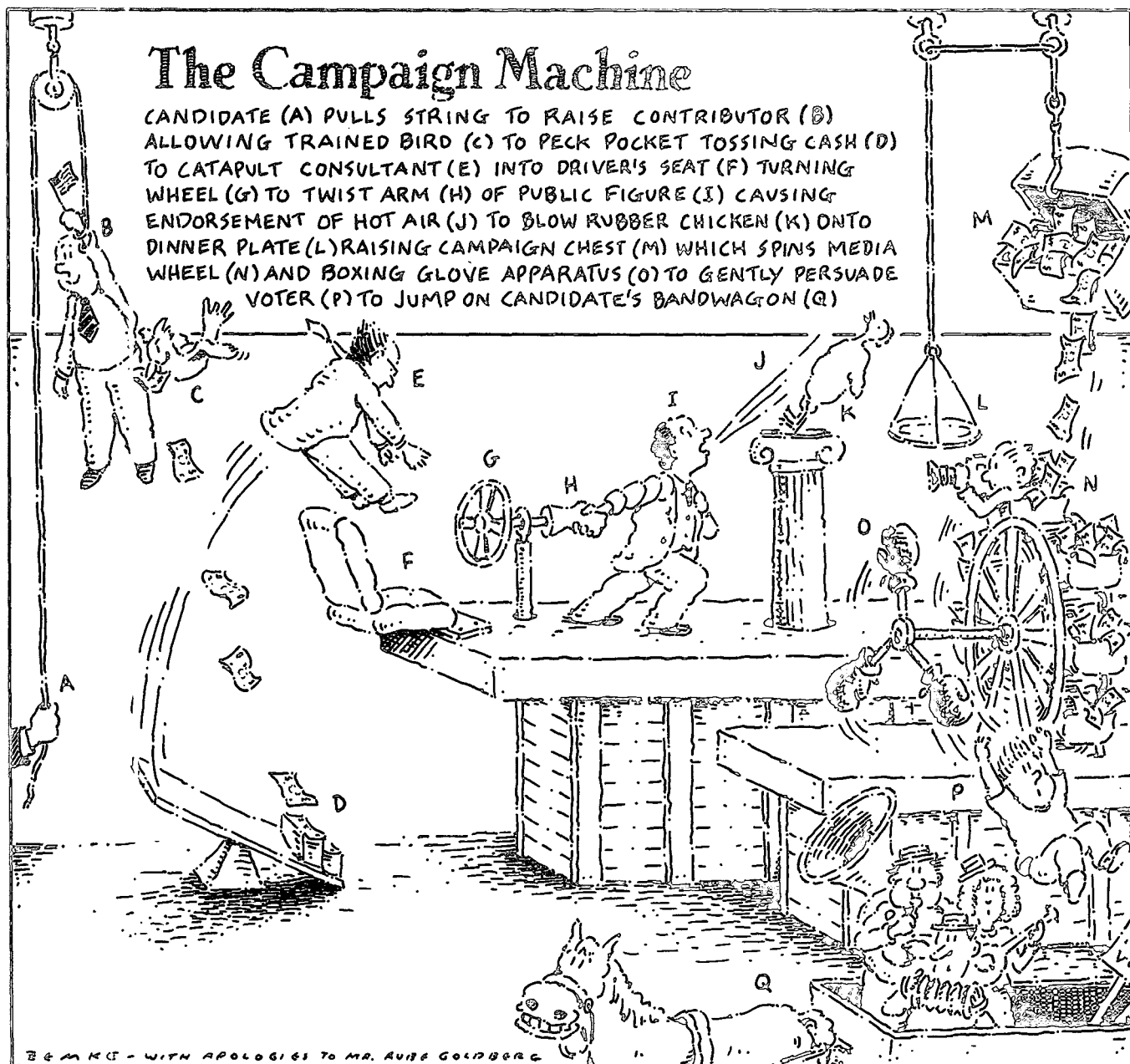
"We need to protect our families," he said. "This country morally is headed downward. Pornography [among other ills] is causing people to do terri-

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INTRODUCTION

This sixth edition of the *California Journal Campaign in California: Practical Guide to State and Federal Campaign Reform Laws* is designed to help you cope with the complex rules of the political game. Prior to 1989 Californians had to pay attention to the accurate and timely reporting of campaign financial activities, but did not have to be concerned about campaign contribution limits. Since the addition of Proposition 73 to the Political Reform Act of 1974, an even greater burden is placed on the shoulders of those who participate in California's political process. Those who fail to abide by the limits and to meet the ever-changing requirements of the campaign disclosure law risk fines, embarrassment and possibly imprisonment.

This booklet is arranged in a logical sequence with a question-and-answer format showing precisely what the campaign limits are and who must file what, when and where. Readers should note, however, that Californians enacted two major revisions of campaign law in June 1988. Most of the changes wrought by Proposition 73 are included in this pamphlet. The courts are still deciding how much of a competing reform measure, Proposition 68, will become law. Sources of more detailed and updated information are listed on the back page.

Nielsen, Merksamer, Hodgson, Parrinello & Mueller is California's largest and best known political and government law firm with offices in San Francisco and Sacramento. Senior partner, Vigo G. (Chip) Nielsen, Jr., authored the Campaign Law Reporter Reference Manual (1975-82) and many articles on political-reform law; Partner Charles H. Bell Jr., associate Judith Sproul Davis, and Senior Political Reports Specialist Kirk Alan Pessner contributed to the revision of this sixth edition of the California Journal Guide.

CALIFORNIA LAW

(Government Code sections 81000-91015)



What is the basic purpose of the Political Reform Act's campaign disclosure and limitations provisions?

According to the Act, "receipts and expenditures in election campaigns should be fully and truthfully disclosed in order that the voters may be fully informed and improper practices may be inhibited." To accomplish that purpose the Political Reform Act requires candidates, committees supporting candidates for state or local office, and committees supporting or opposing ballot measures to file periodic campaign statements disclosing detailed financial contribution and expenditure information. As of January 1, 1989, the Act also limits the size of campaign contributions to candidates and political committees which contribute to candidates.

Does the Political Reform Act apply only to contributions by individuals?

No. To achieve its purposes, the Act regulates contributions by all persons. For purposes of contribution limits, a

"person" means an individual, proprietorship, firm, partnership, joint venture, syndicate, business trust, company, corporation, association, committee, and labor organization. For campaign disclosure purposes, the term "person" is also defined to include any "group of persons acting in concert."

WHO MUST FILE

At what level of government does the Political Reform Act apply?

The contribution limits and filing requirements of the Act apply to candidates, committees supporting or opposing candidates, and elected officeholders at ALL levels of state and local government. Thus, candidates for school board as well as those seeking state office are covered by the Act. Even elections to county central committees of political parties are included. Committees supporting or opposing county or city ballot measures are covered by the campaign disclosure provisions of the Act, as are committees involved with statewide ballot-measure elections. However, contribution limits do not apply to local or statewide ballot measure campaigns. Contributions supporting or opposing federal candidates are governed by federal, not California, law (discussed later in this Guide). Cities and counties may enact their own more restrictive campaign laws, including stricter limitations on contributions to candidates. Local election officials, such as the city or county clerk, should be consulted before any local government campaign activity is undertaken.

Who is an elected officeholder?

Any individual who holds a state or local elective office, by election or appointment, is an elected officeholder. This includes state, region, county, city, judicial, special district and county central committee offices.

Who is a candidate?

California law broadly defines "candidate" to include not only individuals who are listed on a ballot, but also individuals who

1. have qualified to have write-in votes counted;
2. have received contributions or made expenditures to get themselves nominated or elected to any elective office;
3. have consented to permit other persons to receive contributions or make expenditures on their behalf; or
4. are the subject of a recall election.

The definition of "candidate" includes winning, losing and write-in candidates.

Must a candidate declare for a specific office before raising money for his or her election?

Yes. As of January 1, 1989, prior to soliciting or receiving any contribution, a candidate for any California elective office must file a statement of intention to be a candidate for a specific office with the Fair Political Practices Commission (FPPC) (FPPC Form 501). The "specific office" must include the year of the election.

May a candidate file more than one statement of intention?

Yes. A candidate may declare that he or she is seeking more than one office, and may solicit money for more than one office. However, money raised for one office may not be used in a campaign for another office.

Must a candidate for elective office set up a separate bank account to receive contributions?

Yes. A candidate is required to have a separate bank account (located in California) for each statement of intention

he or she files. The candidate must notify the FPPC of the bank account number (FPPC Form 502) within 24 hours of opening the account.

Must a candidate have a campaign committee?

Yes, unless the candidate is spending only his or her own personal money exclusively for filing fees and ballot statements. Otherwise, if a candidate plans to raise any money, he or she must file a statement of intention, establish a separate bank account and set up a separate campaign committee for each statement of intention filed.

Are candidate committees the only type of committee required to file campaign disclosure statements?

No. Individuals, businesses, political action committees and other combinations of persons may become committees with filing obligations if they meet the tests in the Act.

What is a committee?

Under California law there are three primary types of committees that must file campaign reports. Two other types of "political committees" must not only file reports but also may not receive or make contributions in excess of Proposition 73 limits.

An individual, firm, company, business, partnership, corporation, association, trust or any other organization or group becomes a committee by raising or spending money for the purpose of influencing California voters for or against a candidate or ballot measure IF they do ANY of the following:

1. **RECIPIENT COMMITTEE** — raises \$1,000 or more in a calendar year.

Three types of recipient committees are subject to Proposition 73 contribution limits:

- a. **POLITICAL COMMITTEE** — receives contributions from two or more persons and, acting in concert, makes contributions to candidates.
 - b. **BROAD-BASED POLITICAL COMMITTEE** — receives contributions from 100 or more persons, has been in existence six months and, acting in concert, contributes to 5 or more candidates.
 - c. **POLITICAL PARTY** — receives contributions and makes contributions to candidates. However, activities of parties other than making contributions to candidates are not subject to Proposition 73 contribution limits.
2. **INDEPENDENT EXPENDITURE COMMITTEE** — independently spends (as distinguished from contributing; cash, checks, services, or something of benefit to a candidate or other committee) \$1,000 or more in a calendar year.
 3. **MAJOR DONOR** — contributes or loans \$10,000 or more in a calendar year.

All "political committees" (1 a, b and c above) are types of "Recipient Committees" because they collect contributions for later use in an election campaign. Candidate committees are also recipient committees. Ballot measure committees are recipient committees if they collect \$1,000 or more annually. Contributions to "political committees" and to candidates and their committees are subject to contribution limits. Contributions to ballot measure committees are not.

The "Independent Expenditure Committee" is less common, as it covers only those expenditures made in connection with communications that expressly advocate the election or defeat of a clearly identified candidate or ballot measure (the purchase of a billboard or newspaper advertisement, etc.) and which are made independent of the candidate or his

or her controlled committees or the ballot measure committee. An independent expenditure is distinguishable from a non-monetary contribution which is made at the behest of a candidate, his or her agents, or at the behest of a ballot measure committee. Non-monetary contributions to candidates are subject to contribution limits, but truly independent expenditures are not.

"Major Donor" committees generally are individuals or businesses contributing \$10,000 or more directly to candidates or ballot-measure committees. This \$10,000 threshold refers to the total of all contributions to all California candidates (state or local), candidate committees and ballot-measure committees in a calendar year. Major donor committees, as "persons," are limited in what they may contribute to candidates, as well as what they may contribute to "political committees" and political parties for purposes of making contributions to candidates.

What are the contribution limits imposed by Proposition 73?

Proposition 73 limits contributions to candidates and to committees which contribute to candidates, based on the status of the contributor.

A. Limits on contributions by "persons" to candidates:

1. \$1,000 per fiscal year per candidate, which includes all committees controlled by that candidate.
2. This limit does not apply to a candidate's personal funds spent in support of his or her own candidacy for elective office. However, before spending personal funds for this purpose, a candidate must first deposit the funds to his campaign bank account for that office.

B. Limits on contributions by "persons" (including other committees) to political committees:

1. \$2,500 per fiscal year per "political committee," "broad-based political committee," or political party for making contributions to candidates.
2. This limit does not apply to financial or other support provided by a person to a committee for purposes other than making contributions directly to candidates for elective office.

C. Limits on contributions by "political committees" to candidates:

1. \$2,500 per fiscal year per candidate, which includes all committees controlled by that candidate.

D. Limits on contributions by "broad-based political committees" and political parties to candidates:

1. \$5,000 per fiscal year per candidate, including all committees controlled by that candidate.

What is a fiscal year for contribution limits purposes?

For contribution limits purposes, a fiscal year runs from July 1st of one calendar year to June 30th of the next.

Are there different limits and periods for special elections and special run-off elections?

Yes. There are separate limits on contributions to candidates running in special elections and special run-off elections. For special elections, limits are calculated from the date the office becomes vacant to the date of the special election. For special run-off elections, the limits period runs from the day after the special election to the date of the special run-off election. The contribution limits for each special election cycle to candidates are \$1,000 for persons, \$2,500 for political committees, and \$5,000 for broad-based political committees and political parties.

May a candidate, political committee, political party and broad-based committee use funds collected before June 8, 1989 to support candidates in 1989 or later?

No. Proposition 73 forbids using these funds for supporting or opposing candidates. FPPC regulations which permitted candidates, political committees, political parties and broad-based political committees to segregate certain contributions received before June 8, 1988 have been invalidated by a court. The FPPC may readopt regulations regarding funds collected between June 8 and December 31, 1988.

Before using pre-1989 funds for contributions to candidates, including candidates' own post-1989 election campaigns, committees and candidates should check with the FPPC. Until new regulations are adopted, only new money raised since January 1, 1989 in amounts permitted by Proposition 73 should be used for making contributions to candidates.

Funds collected before 1989 can be used for any lawful purpose other than candidate support or opposition, including officeholder expenses or political action committee administration. The funds can also be donated to charity or returned to contributors.

In addition to recipient committees, independent expenditure committees, major donor committees, and political committees are other categories of committees defined in the Act?

Yes. Each of these general types of committees may be further defined in the Act based on the committee's interests, control or support. These factors may help determine where a committee files its required campaign reports and if the committee is subject to Proposition 73 contribution limits.

1. **CONTROLLED COMMITTEE** — a Recipient Committee controlled directly or indirectly by a candidate or state measure proponent or which acts jointly with a candidate, controlled committee, or state measure proponent in connection with the making of expenditures. As of January 1, 1989, a candidate's name must appear in or accompany the name of any committee he or she controls.
2. **SPONSORED COMMITTEE** — a committee, other than a controlled committee, that has one or more sponsors. Any person (usually a business association or labor organization), except a candidate or proponent, may sponsor a committee. "Political committees" and "broad-based political committees" are often sponsored committees which exist for the general purpose of supporting or opposing various candidates. (See below for detailed information).
3. **GENERAL PURPOSE COMMITTEE** — all Independent Expenditure committees and Major Donor committees, as well as all Recipient committees formed primarily to support or oppose more than one candidate or ballot measure. These committees are further defined as "state," "county," or "city" general purpose committees, depending upon the jurisdiction in which they operate.
4. **PRIMARILY FORMED COMMITTEE** — a Recipient Committee formed or existing primarily to support or oppose a single candidate or a single measure or a group of specific candidates being voted upon in the same city or county election. A recipient committee primarily formed to support or oppose a candidate is also a "political committee" or "broad-based political committee."

Must a committee register?

Only a Recipient Committee must register by filing a Statement of Organization (FPPC Form 410) with the Secretary of State within 10 days after it has qualified as a committee. The Secretary of State will assign it a number that must appear on all campaign statements. A Recipient Committee

need register only once.

If a Recipient Committee is formed during the final two weeks prior to any election for which the committee would be required to file a pre-election campaign statement, the FPPC Form 410, or the information contained in that form, must be filed with the appropriate filing officer within 24 hours by telegram or personal delivery. The appropriate filing officer will be the one with whom the committee files originals of its campaign reports.

Can the committee amend its Statement of Organization?

Yes. In fact, if any of the information on the Statement of Organization changes, the Secretary of State must be notified within 10 days by filing an amended Statement of Organization.

Is a broad-based political committee required to amend its statement of organization to claim broad-based status?

Yes. Political committees must amend their Statements of Organization when they qualify as broad-based to claim broad-based status before contributing to candidates at the level permitted for such committees.

Must committees be identified in any special way on the Statement of Organization, campaign reports and campaign literature?

Yes. Certain campaign committees must identify the committee sponsors in the names of the committees. A new requirement is that the committee name must also include or be accompanied by the name of the candidate, or other person who controls it.

What is a sponsor?

A sponsor is a business, organization, association, union or other entity that meets certain criteria. An individual, candidate or proponent of a ballot measure is not considered a sponsor, although an individual, candidate, or proponent can "control" a committee.

What are the criteria for being the sponsor of a committee?

An entity is a sponsor of a committee if it meets any of the following tests:

1. The entity or its members, officers or shareholders provides the committee with all or nearly all of its contributions; or
2. The entity collects contributions for the committee by payroll deductions or dues from its members, officers or employees; or
3. The entity, alone or in combination with others, provides the committee with all or nearly all of its administrative services; or
4. The entity, alone or in combination with others, sets the policies for soliciting contributions or making expenditures of committee funds.

What are the rules for identifying a sponsored committee?

1. If a committee has only one sponsor, the name of the committee must include the official or publicly-recognized name of the sponsor.

2. The name of a committee with more than one sponsor must include a term identifying the industry or other identifiable group to which the sponsors belong.

3. The committee may have only one name, and that name must be used whenever the committee is required by law to be identified: on all of the committee's campaign statements, all of its mass mailings, and all of the contributions made by the committee.

4. Any committee which is primarily formed to support

or oppose a ballot measure must include the statement "a committee for Proposition (or Measure) _____," or "a committee against Proposition (or Measure) _____," or equivalent language, in any reference to the committee required by law. This includes the committee's Statement of Organization (FPPC Form 410), its campaign statements, and its mass mailings.

5. When the number or letter of the ballot measure is designated, a committee subject to this requirement must amend its Statement of Organization within 30 days to include the required language.

What are the rules for identifying a controlled committee, and why are these rules important?

Any committee controlled by a candidate must include in the committee name, or the committee name must be accompanied by, the candidate's name. This requirement is important because limits on contributions to candidates are calculated by combining contributions to all a candidate's controlled committees other than any ballot measure committee the candidate controls.

When can a committee stop filing campaign statements?

A Recipient Committee does not automatically terminate and may only cease filing campaign statements when:

1. it has ceased to receive contributions or make expenditures and does not anticipate receiving contributions or making expenditures in the future; and
2. it has eliminated or has declared that it has no intention of ability to discharge all its debts, loans received and other obligations; and
3. it has no surplus funds; and
4. it has filed all required campaign statements disclosing all reportable transactions.

Recipient Committees terminate only after they file the necessary termination statement (FPPC Form 415) with the Secretary of State, with copies to the filing officers with whom campaign statements were last filed.

Independent Expenditure Committees and Major Donor Committees automatically terminate at the end of each calendar year, but Independent Expenditure Committees may still be required to file campaign statements for election

activities commenced before the end of that calendar year.

Must a committee have a treasurer?

Yes. ALL committees (Recipient; Independent Expenditure; and Major Donor) must have a treasurer. No contribution or expenditure may be accepted or made by a committee without a treasurer. The treasurer has responsibility for registration (if required), filing of campaign statements, receipt of contributions and approval of expenditures. In addition, the treasurer must keep detailed accounts, records, bills and receipts for all transactions. Personal funds for personal expenditures may not be mixed with campaign funds.

Must contributions received for a committee by agents or intermediaries be reported promptly?

Yes. Contributions received by agents of the committee (i.e., paid staff and volunteers working for the committee) must be promptly reported to the treasurer no later than the closing date of the next campaign statement.

Contributions to a "political committee" or "broad-based political committee" which are combined with dues or other payments to the committee's sponsor must be deposited to the committee account within 10 working days of receipt by the sponsor.

Must intermediaries be reported on campaign statements?

Yes. A person who makes a contribution to a candidate or committee at the behest of the true donor is an "intermediary." Also, under Proposition 68, a person who personally delivers a contribution of another to a candidate or committee is an "intermediary"; but an employee of the contributor, a member of the contributor's family, a member of an association to which the contributor belongs is not an "intermediary" for delivery of a contribution. The intermediary's name, address, occupation and employer must be reported on the recipient's campaign statement, in addition to the name address, occupation and employer of the contributor.

Who must sign campaign statements?

All campaign statements must be signed by the filer and must state under penalty of perjury that the filer used all reas-

PROPOSITION 73 CONTRIBUTION LIMITS IN A NUT SHELL

RECIPIENTS

CONTRIBUTOR	CANDIDATE	POLITICAL COMMITTEE	PARTY COMMITTEE	BROAD-BASED PAC
	PERSON*	\$1,000/FY	\$2,500/FY	\$2,500/FY
	POLITICAL COMMITTEE	\$2,500/FY	\$2,500/FY	\$2,500/FY
	BROAD-BASED POLITICAL COMMITTEE	\$5,000/FY	\$2,500/FY	\$2,500/FY
	CANDIDATE	Prohibited	Prohibited	Prohibited
	PARTY COMMITTEE	\$5,000/FY	\$2,500/FY	\$2,500/FY

Note: These limits apply only to contributions made to committees for the purpose of making contributions to candidates. Proposition 73 does not limit contributions to ballot measure committees, and non-candidate support committees.

* Person includes an individual, proprietorship, firm, partnership, joint venture, syndicate, business trust, company, corporation, association, labor organization or committee.

onable diligence in its preparation and that to the best of the filer's knowledge it is true and complete. Campaign statements filed by committees must be signed by the treasurer.

1. Candidates and Officeholders. If the filer of a campaign statement is a candidate or officeholder, the statement must be signed by that individual. A candidate or officeholder must verify the truth and completeness of the statement as well as his or her use of reasonable diligence in its preparation.

2. Controlling Candidates and State Ballot Measure Proponents. A candidate controlling a committee or the proponent of a state ballot measure must also sign the campaign statement of each committee subject to his or her "control." The candidate or proponent must verify that, to the best of his or her knowledge, the treasurer used all reasonable diligence in preparing the statement and that it is true and complete.

3. Recipient Committees. If the filer of a campaign statement is a "Recipient Committee," the statement must be signed by the committee treasurer. The treasurer must verify that the statement is true and complete and that he or she has used all reasonable diligence in its preparation.

4. Independent Expenditure and Major Donor Committees. If a committee is a single individual, that individual must sign and verify the committee's statements. The verification must certify the signator's own use of reasonable diligence in the preparation of a full and truthful report. If the committee is an entity, other than a "Recipient Committee," the statement must be verified by either (1) a responsible officer of the committee, or (2) an attorney or a certified public accountant who acts as an agent for the committee. The officer, accountant or attorney must verify the accuracy and completeness of the statement as well as the treasurer's use of all reasonable diligence in its completion.

Must all candidates have committees?

Yes, unless the candidate is spending only his personal funds for filing fees or ballot statements. Proposition 73 and FPPC regulations now require that a candidate form a Recipient Committee on his or her behalf before raising any money for his or her candidacy. If a candidate forms a committee (example: "Jones for Supervisor in 1992"), the candidate must register it with the Secretary of State. The candidate would then file a Consolidated Campaign Statement (Form 490) covering the activities of both the candidate and the committee.

Must persons attempting to support or oppose the qualification of a ballot measure (local or state) file campaign statements?

Committees that support or oppose qualification of a state or local ballot measure must file campaign statements whether or not the measure qualifies.

Proponents of a proposed state ballot measure must also file.

WHAT MUST BE DISCLOSED?

Are specific forms available to be used by those required to file?

Yes. The following forms must be used:

FORM 400: SLATE MAILER ORGANIZATION STATEMENT OF ORGANIZATION. For use only by Slate Mailer Organizations.

FORM 401: SLATE MAILER ORGANIZATION CAMPAIGN STATEMENT. Slate Mailer Organizations which re-

ceive or is promised \$500 or more during a calendar year must file using this form.

FORM 402: SLATE MAILER ORGANIZATION TERMINATION STATEMENT. For terminating a Slate Mailer Organization.

FORM 405: AMENDMENT TO CAMPAIGN DISCLOSURE STATEMENT. For amending campaign statements previously filed.

FORM 410: STATEMENT OF ORGANIZATION. For use only by Recipient Committees, including Political Committees, Independent Expenditure Committees and Major Donor Committees do not file Statements of Organization.

FORM 415: RECIPIENT COMMITTEE TERMINATION STATEMENT. For terminating a Recipient Committee. Independent Expenditure and Major Donor Committees do not use Form 415 because they terminate automatically at the end of each calendar year and must requalify in another year before they incur additional filing obligations.

FORM 420: RECIPIENT COMMITTEE CAMPAIGN STATEMENT. Recipient Committees which receive one or more cumulative contributions of \$100 or more from a single source during a calendar year must file this form. Most "political committees" and "broad-based political committees" will file reports on this form.

FORM 425: SEMI-ANNUAL STATEMENT OF NO ACTIVITY. For use by a non-controlled committee that has not received any contributions and has not made any expenditures during the six-month period covered by a semi-annual statement.

FORM 450: RECIPIENT COMMITTEE CAMPAIGN STATEMENT — SHORT FORM. This form may be used by Recipient Committees if no single source contributed \$100 or more cumulatively during a calendar year. If single-source contributions of \$100 or more have been received, Form 420 or 490 must be used. Form 450 is used primarily by broad-based political committees with many small contributors.

FORM 461: EXPENDITURE AND MAJOR DONOR COMMITTEE CAMPAIGN STATEMENT. For use by individual Independent Expenditure Committees which do not receive contributions and by Major Donor Committees.

FORM 465: SUPPLEMENTAL INDEPENDENT EXPENDITURE REPORT. For use by persons or committees that make independent expenditures of \$500 or more in a calendar year in connection with a single candidate or measure. This form must be filed in addition to any other campaign statement required to be filed.

FORM 470: CANDIDATE AND OFFICEHOLDER CAMPAIGN STATEMENT — SHORT FORM. For use only by candidates and elected officeholders who have raised or spent less than \$1,000, or on whose behalf less than \$1,000 will be raised or spent during the calendar year.

FORM 490: CONSOLIDATED CAMPAIGN STATEMENT. For use by a candidate filing jointly with one or more of the candidate's committees.

FORM 495: SUPPLEMENTAL PRE-ELECTION STATEMENT. For use by any officeholder, candidate or Recipient Committee that makes contributions totaling \$5,000 or more to candidates or committees primarily formed to support or oppose candidates or ballot measures all being voted upon in a single jurisdiction. This requirement does not apply during any six-month period when the contributing officeholder, candidate or committee is otherwise required to file regular pre-election statements.

FORM 501: CANDIDATE INTENTION. For use by candidates to declare intention to run for a specific office. Must be filed with the FPPC prior to soliciting or receiving any contributions.

FORM 502: CAMPAIGN BANK ACCOUNT. For use by candidates to notify the FPPC of the number and location of the campaign bank account. A separate Form 502 must be

filed for each Form 501 filed.

Where can the forms be obtained?

The forms can be obtained from the Secretary of State, Political Reform Division, P.O. Box 1467, Sacramento, CA 95812-1467; the FPPC, P.O. Box 807, Sacramento, CA 95804-0807; and from local county and city clerks.

What must be disclosed on a campaign statement?

In summary form, the total of all monetary contributions, unpaid loans, non-monetary contributions, legally enforceable pledges, payments, accrued expenses and cash on hand must be disclosed. In addition, separate schedules must be completed as discussed below.

Must certain transactions be disclosed in detail?

Yes. All contributions (see definition below) received from one source totaling \$100 in a calendar year, and all expenditures of \$100 or more must be itemized. Contributions (monetary, non-monetary and loans) from committees of \$100 or more must include the date received, name and address of committee, the committee's registration number, the amount, and the yearly cumulative amount to date. Contributions from others of \$100 or more must list the date, name and address, occupation and employer of the contributor, amount, and yearly cumulative amount to date. Expenditures of \$100 or more must include the name and address of the payee, description of services and the amount.

What is a contribution?

"Contribution" includes a payment, gift, advance, dues, or loan, unless it is clear from the surrounding circumstances that it is not made for a political purpose. It includes the purchase of tickets for dinners and other campaign fund-raising events, the candidate's own money, discounts or rebates not available to the general public, services and expenses of an employee donated by his employer, forgiveness of a loan, payment of a loan by a third party, and the transfer of anything of value from one committee to another committee. Promises to make a contribution ("pledges") are not contributions and are not reportable at all unless they are legally enforceable.

Does "contribution" include voluntary personal services?

No. A "contribution" does not include volunteer personal services provided without compensation and payments made by an individual for his or her own personal travel expenses, if these payments are made voluntarily, without any understanding or agreement that they will be repaid. Also, use of one's office or home for a campaign meeting or fund-raising event is exempt from the definition of contribution if the costs incurred for the event are \$500 or less.

How do you determine the value of a non-monetary contribution?

Establish the estimated fair market value of the goods, services or facilities contributed to the campaign. The fair market value is the price that a person would have to pay to acquire the same goods or services in the open marketplace. The value of non-monetary contributions must not exceed applicable contribution limits.

Should a person make a contribution for someone else if the true donor's identity is not clear from the face of the check?

No. A person making a contribution (regardless of amount) on behalf of another is an "intermediary" who must disclose to the committee receiving the contribution not only his or her identifying information, but that of the donor actu-

ally making the contribution. The information on both the donor and intermediary must be reported on the campaign statement. Even if a person only "delivers" a check from someone else and the identity of the true donor is clear on the face of the check, the person delivering the check may be an intermediary whose identifying information must be disclosed by the committee.

All contributions of \$100 or more must be made by written instrument containing the name of the true contributor, regardless who delivers the check.

Are contributions between candidates and their controlled committees ("transfers") prohibited?

Yes. As of January 1, 1989, transfers of contributions between candidates or their controlled committees are banned. This ban applies not only to contributions from one candidate's committee to another candidate's committee, but also to transfers between the same candidate's controlled committees.

Is a loan always a contribution?

A loan received by a committee or candidate is a contribution unless the loan is made by a commercial lending institution in the ordinary course of business or, in the case of a loan to a candidate, it is clear that it is not made for political purposes. Even when a loan is not a contribution, the loan must be reported if it is received by a committee, or received by a candidate and used for political purposes.

Loans made for political purposes to candidates or committees which support candidates are specifically subject to Proposition 73's contribution limits, although loans by candidates to their own committees are not subject to limits.

What must be reported regarding "loans made" and "loans received" by a candidate or committee?

All loans received during the reporting period and all loans made during the reporting period must be reported. Additionally, once each calendar year, the current status of all outstanding loans, both made and received, must be disclosed.

Candidates and candidate-controlled committees may not make loans from their campaign funds to other candidates or their controlled committees; nor may they make loans for purposes other than in support of the candidate's election to a specific office or the expenses of holding that office.

Can a committee refuse a contribution and not be required to report it?

Yes. A monetary contribution is not reportable if it is not deposited and is returned to the contributor before the closing date for the campaign statement on which it would otherwise be reported. A "late contribution" received after the closing date of the last pre-election campaign statement need not be reported if it is not deposited and is returned to the contributor within 24 hours of receipt.

A contribution which is in excess of Proposition 73 limits will not be deemed accepted if it is not deposited and is returned within 10 working days of receipt or before the closing date of the next campaign reporting period, whichever is earlier.

How should expenditures made to an agent or independent contractor (e.g., an advertising agency) be reported?

Expenditures to any agent or independent contractor (or anyone else who receives payment from a campaign committee and, in turn, pays third parties [subvendors] for goods or services which are provided to the campaign) must be itemized on campaign statements. The report must show both the person receiving payment from the campaign with

the amount paid and the subvendors who provided the goods or services. Only subvendors paid \$100 or more during the period must be shown with the amounts each received and a description of the goods or services provided. The agent or independent contractor is not required to disclose its own overhead and normal operating expenses as a subvendor.

Must candidates make all campaign-related expenditures directly out of their campaign account?

Yes. A candidate must establish a separate checking account for each statement of intention to be a candidate. He or she must make all expenditures for that candidacy out of that checking account. A savings account and one credit-card and merchant accounts are permitted. No more than \$100 may be reimbursed from a petty cash account. Because these rules are FPPC regulations and may change, candidates are advised to check with the FPPC before establishing reimbursement procedures for their campaign.

What are accrued expenses?

Accrued expenses are those bills owed by the candidate or committee at the closing date for reporting campaign transactions.

What is meant by "cumulative amount"?

Contribution limits are calculated based on total amount contributed over a fiscal year period or a special election cycle. But in addition to reporting this amount, the FPPC requires disclosure of cumulative amounts contributed or loaned from a single contributor during the "calendar year." There may be exceptions for ballot measure qualification committees and committees that support candidates in special elections that encompass more than one year.

Must cumulative amounts contributed during a fiscal year also be disclosed?

Yes. FPPC regulations will require disclosure of "fiscal year" cumulative amounts (July 1-June 30) beginning with the campaign statement for the period ending June 30, 1989. For purposes of that statement only, the fiscal year will cover January 1, 1989 through June 30, 1989. Certain contributions received by a candidate or a political committee in 1988 or before which have been "cleansed" for the purpose of supporting candidates in 1989 may count as part of the contributor's cumulative amount in this first fiscal year report. Thereafter, the fiscal year will be July 1-June 30. Candidates and committees which contribute to candidates will have to keep and retain records on both a calendar- and fiscal-year basis.

If a person contributes less than \$100 during one reporting period and later that same year contributes enough to equal or exceed \$100, must the contributor's identity be disclosed?

Yes. Once a person's contributions to a committee equal or exceed \$100 during a calendar year, the contributor must be identified on the next campaign statement. Monetary and non-monetary contributions and loans from one person must be added together to determine the cumulative amount.

Can campaign reports be amended?

Yes. Form 405 is specifically intended for this purpose. Amending an incomplete or incorrect report is considered evidence of good faith.

WHEN TO FILE

When must campaign statements be filed?

Filing deadlines for campaign statements are determined by the type of committee, the jurisdiction, the candidates and/or measures supported or opposed, and the date of

the election.

Semi-annual campaign statements are mandatory for all committees regardless of activity. There are no "off election year" statements other than semi-annual statements, although special reports may be required.

Filing deadlines for different types of committees vary from year to year and jurisdiction to jurisdiction. However, the semi-annual statements required of all committees, which cover the period January 1-June 30 and July 1-December 31, are due on July 31st and January 31st, respectively.

GENERAL PURPOSE MAJOR DONOR AND INDEPENDENT EXPENDITURE COMMITTEES

All Major Donor and Independent Expenditure Committees are, by definition, general purpose committees and, therefore, are required to file semi-annual campaign statements in each calendar year. This is true for Major Donor and Independent Expenditure committees participating at the statewide level or at the county level. If all the activity is in one city, Major Donor and Independent Expenditure committees are required to file on pre-election deadlines in that jurisdiction at the same time as the candidates they support, and they must also file semi-annual campaign statements. Such committees should check with the local filing officer (city or county clerk) for filing deadlines.

RECIPIENT COMMITTEES

General purpose recipient committees (state, county and city) generally file semi-annually during non-election years. (See below for special filing requirements).

During election years, most will file two pre-election campaign statements before the June primary and two pre-election statements before the November general elections, in addition to the usual semi-annual filings. However, state and county general purpose committees are not required to file pre-election statements unless \$500 or more in contributions or independent expenditures have been made during the period covered by the statement. City general purpose recipient committees are required to file pre-election statements only during the six-month period in which a municipal election is held. General purpose recipient committees may have additional filing requirements when they contribute \$5,000 or more (see below). Also, during election years, special "late reports" may have to be filed during the period immediately preceding the election.

CANDIDATES, AND THEIR CONTROLLED COMMITTEES

All candidates (and their controlled committees) being voted on in June or November are required to file on semi-annual filing deadlines. Additionally, such committees are required to file pre-election statements before the elections when the supported candidate is on the ballot. Candidates and their controlled committees may also have special and "late" filing requirements (see below).

BALLOT-MEASURE COMMITTEES AND PROPONENTS OF STATE BALLOT-MEASURE COMMITTEES

Ballot-measure committees and proponents of state ballot measures who control committees supporting measures to be voted on in June or November are required to file semi-annual statements and pre-election statements on the same deadlines as for candidates on the same ballot.

These semi-annual and pre-election filings are required only after the committee has filed a statement 21 days after petitions are filed or 21 days after the deadline for filing petitions, whichever is earlier. The post-qualification report must include all campaign transactions from inception through 7 days prior to the filing deadline.

CANDIDATES, THEIR CONTROLLED COMMITTEES, RECIPIENT COMMITTEES, MAJOR DONOR AND IN-

DEPENDENT EXPENDITURE COMMITTEES PARTICIPATING IN ELECTIONS HELD IN OTHER THAN JUNE AND NOVEMBER OF EVEN-NUMBERED YEARS

In addition to mandatory semi-annual statements, pre-election statements are required to be filed as follows:

- 40 days prior to the election (for campaign transactions ending 45 days prior to the election).
- 12 days prior to the election (for campaign transactions ending 17 days prior to the election);

If there is a run-off election held within 60 days of the qualifying election, an additional pre-election statement is due no later than 12 days before the run-off election (for campaign transactions ending 17 days before the election).

There are no "post election" statements required, other than the semi-annual statements. There may be special filing requirements (see below).

Are there any special campaign statements required?

Yes. Recipient Committees which make contributions of \$5,000 or more during the six months prior to an election, including a run-off election for which the Recipient Committee is not filing pre-election statements, must file a supplemental pre-election statement (Form 495) and a regular campaign statement (Form 420, 450 or 490) no later than 12 days before the election for the period ending 17 days before the election. This statement is to be filed in the jurisdiction where the contributions are being made, in addition to filing with each office with which the Recipient Committee will file its next regular campaign statement.

Additionally, Recipient Committees and Major Donors which contributed \$5,000 or more to state candidates in a calendar quarter and are not required to file a lobbyist disclosure report with the Secretary of State covering that same period, must file a report (FPPC Form 420, 450, or 461) for that calendar quarter by the last day of the next month with all filing officials with whom filings are normally made.

Must contributions and independent expenditures aggregating \$1,000 made or received during the last few weeks before an election be separately reported?

Yes. A "late contribution report" must be filed by any committee within 24 hours if the committee makes a contribution or loan aggregating \$1,000 or more to a candidate or measure being voted upon at an upcoming election, when the contribution is made after the closing date of the last campaign report filed before an election but before the election itself. The recipient must also file a "late contribution report."

Both the donor (if a candidate or a committee) and the recipient must report the date, amount and full identification of the contribution by telegram, mailgram, personal delivery or guaranteed overnight mail service through the United States Postal Service to the filing officers where campaign reports were last filed. The recipient of such a contribution must also report the name, address, occupation and employer of the contributor.

A "late independent expenditure report" listing an independent expenditure aggregating \$1,000 or more during this same period must also be reported within 24 hours by the committee making the independent expenditure. A committee which makes a late independent expenditure must identify fully the candidate's name, office, and district or the measure's number or letter and jurisdiction. In addition, the date and amount of the expenditure, and a description of the goods and services must be provided.

Are special notices required for independent expenditures supporting or opposing legislative candidates?

Yes. Proposition 68 now requires disclosure on any mailing that is an independent expenditure for or against a legislative candidate, which shall state that no candidate has

authorized the expenditure and identify who has paid for the mailing. Also, persons making independent expenditures of over \$10,000 must notify the FPPC and all other legislative candidates in the district each time the \$10,000 threshold is reached.

Are there exceptions to the numbers of campaign statements which must be filed?

Yes. Elected officeholders whose salaries are less than \$100 a month and judges need not file semi-annual campaign statements unless they receive contributions or make expenditures during the period.

WHERE TO FILE STATEMENTS

Where must campaign statements be filed?

Except for city-only elections, two copies must always be filed with the clerk of the county in which the person or committee is domiciled, as determined by the address on the campaign statement (out-of-state file in Los Angeles County). Additional filings must be made as follows, provided that no more than two copies need be filed in any one county:

- Statewide officeholders, candidates, Supreme Court Justices, and their supporting committees, committees supporting or opposing statewide measures and state general purpose committees:

Original plus one copy with the Secretary of State, P.O. Box 1467, Sacramento, CA 95812-1467; two copies with the Registrar-Recorder of Los Angeles County, Campaign Reporting Unit, 5557 Ferguson Drive, Los Angeles, CA 90022; two copies with the Registrar of Voters of the City and County of San Francisco, Campaign Statements, Room 158, City Hall, San Francisco, CA 94102.

- Candidates for and members of the Legislature, Appellate and Superior Courts, and State Board of Equalization and supporting or opposing committees:

Original and one copy with the Secretary of State; two copies with the clerk of the county with the largest registration in the district affected.

- Other multi-county candidates and measures and supporting committees (but not statewide):

Original and one copy with the clerk of the county having the largest registration.

- Single-county candidates and measures and supporting committees:

Original and one copy with the county clerk.

- Single-city candidates and measures and supporting committees:

Original and one copy with the city clerk.

How may the statements be filed?

Campaign statements may be delivered by hand by the deadline. Statements sent by first-class mail are considered received on the date of deposit in the mail. If lost in the mail, the candidate or committee must possess a post office receipt showing that the report was mailed.

The final pre-election campaign statement must be personally delivered or sent by guaranteed overnight mail through the United States Postal Service. Late contribution or late expenditure reports must be personally delivered or reported by mailgram, telegram, or guaranteed overnight mail through the United States Postal Service.

SLATE MAILER ORGANIZATIONS

What is a "Slate Mailer" organization?

A "slate mailer" organization is a special filing entity

(much like a Recipient Committee). A "slate mailer" is a mass mailing which supports or opposes a total of four or more candidates or ballot measures. A person is a "slate mailer" organization if the person is directly or indirectly involved in the production of one or more slate mailers, exercises control over the selection of candidates or measures supported or opposed, and receives or is promised payments of \$500 or more in a calendar year to produce the mailers. Certain candidates, their controlled committees, official political party committees and committees primarily formed to support a single candidate or measure are not "slate mailer" organizations and file as regular Recipient Committees.

How does a "Slate Mailer" organization report its activity?

A slate mailer organization discloses payments or contributions received which cumulate \$100 or more during a calendar year from any person or committee and expenditures of \$100 or more paid to any vendor for the purposes of producing and distributing slate mailers. Payments by candidates or committees are disclosed, as well as the names and addresses of candidates and measures supported on the slate mailers.

Are there special rules for identifying a "Slate Mailer" organization?

Yes. "Slate mailer" organizations must identify themselves by name and address in at least 8-point type both on the outside and at least one insert piece (in contrasting color or point to be easily legible).

In addition, slate mailer organizations must include a special, boxed notice in 8-point Roman bold type on any surface of a postage card or self-mailer indicating that such organization is not an official political party organization, and specifically identifying candidates or ballot measures that have paid to appear in the slate mailer. Such "paid for" designations must be made in 10-point type.

When does a "Slate Mailer" organization file campaign reports?

A "slate mailer" organization files semiannual campaign statements for each semiannual period in which it has received or expended \$500 or more for producing one or more slate mailers.

In addition, such organizations file periodic pre-election campaign reports and late reports on the same schedules as Recipient Committees.

A "slate mailer" organization also must file special late reports during a period after the closing date for the last pre-election campaign statement but before the election if it receives any payment of \$2,500 or more for the purpose of producing a slate mailer.

Must a "Slate Mailer" organization have a Treasurer?

Yes.

PROHIBITIONS

Are anonymous contributions prohibited?

A donor may not make anonymous contributions totaling \$100 or more in a calendar year to a campaign. Any anonymous contribution of \$100 or more received by a candidate or committee must be turned over to the Secretary of State.

Does California law limit cash transactions?

Yes. No monetary contributions or expenditures of \$100 or more may be made in cash. Transactions of \$100 or more must be made by check or other written instrument containing the donor's name. The fair market value of all non-monetary (in-kind) contributions of \$100 or more must be reported

in writing by the contributor to the recipient, if the recipient makes a written request.

Are lobbyists prohibited from making contributions to state candidates?

No. However, the lobbyist must report all personal contributions of \$100 or more, and all contributions of others delivered personally by the lobbyist to state candidates or their committees. Lobbyists may also contribute to candidates in local and federal elections and to ballot-measure campaigns, but need not disclose such contributions on their lobbyist report.

May campaign contributions be personally delivered at the State Capitol or in other state office buildings?

No. However, they may be mailed to the recipients at those locations.

Are there limitations on gifts and honoraria which can be made or paid to elected officials?

Yes. Effective January 1, 1989, combined gifts and honoraria to an elected official are limited to \$1,000 per calendar year from a "single source." A "single source" includes a business and all "otherwise-related" business entities or an association or other organization and its national, state, regional or local chapters. Also, no more than \$1,000 may be given to an elected official in connection with a single "assemblage."

What identification is required on campaign literature?

All mass mailings (200 or more pieces of substantially similar material) must show the sender's name and address in a six-point type or larger on the envelope and on at least one insert piece. If the sender of the mass mailing is a single candidate or committee, the information need only be shown on the outside of each piece of mail. If the sender is a controlled committee, the name of the person controlling the committee must be included. A sponsored committee sending a mass mailing must identify its sponsor. A post office box is permitted if the committee address is a matter of public record with the Secretary of State.

The sender is whoever pays for the largest portion of expenditures attributable to the designing, printing and posting of the mass mailing. Independent expenditure mailings for or against legislative candidates must be specially identified, as discussed earlier. No mass mailing may be sent at public expense which features an incumbent elected officeholder.

Can a contribution to a public official's campaign ever require that public official to disqualify himself or herself from participating in a governmental decision affecting the person who made the contribution?

Yes. Members of certain state and local agencies are prohibited from participating in a governmental decision involving a license, permit or other entitlement for use if the applicant (or his agent) in the proceeding contributed \$250 or more to the public official in the preceding 12 months or the official solicited such a contribution for himself or another.

Are there limitations on what a person may contribute to a candidate or ballot measure campaign?

California law imposes new restrictions on how much any one person or organization may contribute to a candidate's campaign at the state or local level. But candidates are not limited in what they may contribute to their campaigns from their own personal funds. Unlike federal law, corporations and labor unions are not prohibited by state law from contributing to state or local candidates. (See federal restrictions below.) Some local jurisdictions have restricted the amount persons, corporations and unions may contribute to local candidates.

Provisions of Proposition 68 found by the FPPC to be invalid impose aggregate limits on contributions to all legislative candidates. A pending court case may reinstate these provisions. Unless and until a court order issues, these limits are not in effect.

Does California law restrict expenditures by campaigns?

There is no limitation on expenditures in a campaign. However, campaign and political action committee funds may not be spent for personal use, and candidates may not spend funds solicited and collected after January 1, 1989, except for the purpose of seeking election to a specific office or holding that office. Disposition of surplus funds when a committee terminates is limited to specific non-personal uses.

Does federal law apply to California state or local candidate contributions?

Normally not, except that federal law prohibits a foreign national, foreign corporation, United States national bank or federally-established corporation (like a federal savings and loan association) from making any contributions to state or local candidates.

MISCELLANEOUS

Must candidates and committees be concerned with tax considerations?

Yes. Income tax must be paid on interest, dividends and capital gains of more than \$100 per year earned by a campaign. Internal Revenue Service, Board of Equalization, and California Franchise Tax Board Regulations must also be followed.

Will campaigns be audited?

Candidates and committees are randomly selected for audit by the Franchise Tax Board. Additionally, the Fair Political Practices Commission or the Franchise Tax Board may initiate a discretionary audit.

Must candidates disclose certain personal financial activities?

Yes. California law requires financial disclosure of investments and real estate by all candidates. Once elected, state and local elected officials must file an annual Statement of Economic Interest, disclosing income, loans, gifts, investments, real estate and business positions held.

Are campaign laws at other levels of government applicable?

Yes. In addition to federal law many California local governments have enacted comprehensive campaign ordinances which add regulations beyond the Political Reform Act. Contribution limits which are lower than the limits in Proposition 73 are permitted. Individuals, persons, or committees planning political activity in particular jurisdiction should check with the local city or county attorney's office for information regarding local campaign ordinances.

LOCAL CAMPAIGN ORDINANCES

A local government may adopt additional campaign ordinances so long as they further the purposes of the Political Reform Act and do not conflict with any of its provisions. The ordinances that have been enacted by cities and counties to date vary from jurisdiction to jurisdiction. Many cities and counties prohibit certain entities from contributing to campaigns, limit the amount that may be contributed to campaigns by businesses, political action committees and individuals, require lower levels of itemization of campaign con-

tributors, limit extensions of credit to campaigns, require additional campaign statements to be filed before local elections, impose separate penalties for violations of local ordinances, or require lists of campaign contributors to be published in newspapers.

Cities and counties that have adopted campaign ordinances include:

Adelanto	Orange County
Berkeley	Palo Alto
Chico	Pasadena
Concord	Poway
Contra Costa County	Rancho Mirage
Coronado	Rialto
Culver City	Roseville
Davis	Sacramento
Del Mar	Sacramento County
Dublin	San Diego
Escondido	San Diego County
Fountain Valley	San Francisco
Fremont	San Jose
Fresno	San Juan Capistrano
Fresno County	San Luis Obispo
Gardena	San Marcos
Gilroy	San Mateo County
Grand Terrace	Santa Cruz County
Huntington Beach	Santa Monica
Irvine	Sonoma County
Livermore	South San Francisco
Los Angeles City	Walnut Creek
Newport Beach	Westminster
Oceanside	West Covina

Because additional cities and counties may have enacted campaign ordinances or these cities and counties may have amended their ordinances after this publication was printed, a practitioner should contact the clerk of the city or county to determine if there are additional campaign requirements and to obtain a copy of the ordinances. Local ordinance information can be obtained by calling the Fair Political Practices Commission at (916) 322-5662.

FEDERAL LAW

(United States Code, Title 2, Sections 431-455)

What is the basic purpose of the Federal Election Campaign Act?

The federal law requires candidates, political committees and, in some instances, individuals to keep full and accurate records of political financial transactions and to file periodic public reports disclosing these transactions. The law also sets limits on the amount of money individuals and groups may contribute to federal candidates. It further provides public financing for qualifying presidential campaigns.

Who administers the Federal Election Campaign Act?

The Federal Election Campaign Act is administered by the Federal Elections Commission (FEC), 999 E Street, N.W., Washington, D.C. 20463. In addition, the Clerk of the House of Representatives and the Secretary of the Senate, Washington, D.C. 20510, have filing-officer responsibilities.

WHO MUST FILE

Who must file campaign statements under federal law?

Only candidates seeking nomination or election to federal office (President, Vice-President, United States Senate

and House of Representatives), political committees supporting those candidates, and certain private groups involved in federal elections (business, union, trade association and political action committees) are governed by the filing requirements of the Federal Election Campaign Act.

Are candidates for state or local office and their committees required to file federal campaign statements?

No.

What constitutes an "election" under federal law?

The term "election" includes not only general, primary, special and run-off elections, but also conventions, caucuses and preference primaries for the purpose of nominating candidates for federal office.

Who is a federal candidate?

An individual who seeks nomination or election to a federal office and has received contributions or made expenditures in excess of \$5,000, or has consented to that level of campaign activity on his or her behalf, is considered a candidate. Thus, even if a candidate appears on the ballot, he or she need not register or report until the dollar threshold is met. However, once financial activity reaches the \$5,000 figure, all prior contributions and expenditures become subject to the reporting and limitation requirements of the Act.

Are federal candidates required to designate campaign committees for reporting purposes?

Yes. A candidate for federal office (other than a nominee for vice president) must designate and authorize a political committee as the "principal campaign committee" within 15 days after attaining candidate status. The candidate may also designate other committees, known as "authorized committees," to receive or make contributions. Candidates are considered to be agents of their authorized committees, and therefore must report all contributions and expenditures through their committees. The principal campaign committee and other authorized committees must include the name of the candidate in each committee's name. In addition, the principal campaign committee may not support more than one candidate (except that committees may conduct joint fundraising), although contributions of \$1,000 or less by a candidate's authorized committees to other candidates are permitted.

What is a political committee?

Federal law defines three types of political committees:

1. Any committee, club, association or group of persons receiving contributions or making expenditures totaling more than \$1,000 for federal elections in a calendar year (similar to California's Recipient Committee),

2. A Political Action Committee (PAC) (referred to under federal law as a separate segregated fund) established by a labor union, corporation, or trade or membership organization regardless of the level of contributions or expenditures.

3. Any local committee of a political party that receives contributions or makes "exempt" expenditures (buttons, bumper stickers, voter registration, get-out-the-vote and the like) totaling over \$5,000 for federal elections during a calendar year, or that makes contributions to candidates or "non-exempt" expenditures over \$1,000 for federal elections during a calendar year.

Federal law does not define as committees persons or groups which directly contribute money (California's Major Donor Committee) or which independently make expenditures on behalf of a candidate (Independent Expenditure Committee in California). However, some persons making independent expenditures may still have to report. The FEC has further described several types of political committees, including:

1. **PRINCIPAL CAMPAIGN COMMITTEE** — a political committee designated by a candidate as his or her principal campaign committee.
2. **SINGLE CANDIDATE COMMITTEE** — a political committee other than a principal campaign committee that makes or receives contributions or makes expenditures on behalf of only one candidate.
3. **MULTI-CANDIDATE COMMITTEE** — a political committee which (i) has been registered for at least 6 months; (ii) has received contributions for use in federal elections from more than 50 persons; and (iii) (except for any state political party organization) has made contributions to 5 or more federal candidates.
4. **PARTY COMMITTEE** — a political committee which represents a political party and is part of the official party structure at the national, state or local level.

In addition, the FEC has determined that all political committees are either authorized committees or unauthorized committees. An "authorized committee" is a political committee that is empowered in writing by a candidate to solicit or receive contributions or make expenditures on behalf of the candidate. A principal campaign committee is an authorized committee. An "unauthorized committee" is a political committee which has not been authorized in writing by a candidate to solicit or receive contributions or make expenditures on behalf of the candidate.

A separate segregated fund committee (Political Action Committee) must use the name of the connected or sponsoring organization in the name of the committee.

Must a political committee have a treasurer?

Yes. Contributions may not be received if a committee has no treasurer. Further, all expenditures must be authorized by the treasurer or appointed agents. The treasurer is responsible for keeping an account of all contributions and expenditures, and for the timely and accurate filing of reports. Personal funds for personal expenditures may not be commingled with campaign funds. Contributions over \$50 must be forwarded to the treasurer or agent within 10 days of receipt, along with the contributor's name and address. A committee needs no other officer under federal law but may designate others, including an assistant treasurer.

Must political committees register?

Yes. All authorized committees must register within 10 days after designation by a candidate. PACs must register within 10 days of establishment. All other committees must register within 10 days of qualification as a political committee. A committee registers by filing a Statement of Organization. A PAC Committee must include the full name of its connected organization, but may use a clearly recognized abbreviation or acronym. The name of each authorized committee must include the name of the authorizing candidate.

Political committees supporting only House candidates and a House candidate's authorized committees, including the principal campaign committee, register with the Clerk of the House. Political committees supporting only Senate candidates and a Senate candidate's authorized committees, including the principal campaign committee, register with the Secretary of the Senate. All other committees register with the FEC. Once a committee registers, it will be issued an identification number.

Must a person (other than a political committee) file a campaign statement with the Federal Election Commission?

If a person contributes to a federal candidate or to a political committee, that candidate or committee must report the contribution, and the person need not file a campaign statement. Any individual, association, partnership or group

other than a political committee which makes an independent expenditure of more than \$250 in a calendar year must file a campaign statement with the FEC. The statement contains information regarding the nature of the expenditure. A political committee may also make independent expenditures and, if it does so, must report these on a separate schedule of its campaign report.

WHAT MUST BE DISCLOSED?

Are forms available for persons required to file?

Yes. Forms are available from the FEC, Clerk of the House and Secretary of the Senate.

FORM 1: STATEMENT OF ORGANIZATION. Used to register committees supporting federal candidates.

FORM 2: STATEMENT OF CANDIDATE. Once attaining federal candidate status, this form is used to authorize the principal campaign committee.

FORM 3: REPORT OF RECEIPTS AND EXPENDITURES. Used by political committees in reporting all financial transactions including contributions and expenditures. There are separate forms for presidential (Form 3P), authorized (Form 3A) and all other political committees (Form 3X).

FORM 5: REPORT OF INDEPENDENT EXPENDITURES OR CONTRIBUTIONS BY PERSONS. The form used by every person (other than a political committee or candidate) who makes independent expenditures or contributions in an aggregate amount in excess of \$250 within a calendar year.

FORM 7: REPORT OF COMMUNICATION COSTS BY CORPORATIONS AND MEMBERSHIP ORGANIZATIONS. This form is used by corporations, unions, and membership organizations to report costs of communicating with their stockholders and executive or administrative personnel or members in support of or opposition to a federal candidate if such costs exceed \$2,000 per election.

What information is required to be reported by a political committee?

In summary form, the total of all contributions, expenditures and cash on hand.

By item, all transfers and contributions to and from other political committees or federal candidates regardless of the amount.

By item, all contributions from a person aggregating over \$200 within a calendar year — including contributor's name, mailing address, occupation, employer, date of contribution and amount. (In addition, in-house records must be kept of all contributions over \$50 including name, address and date of contribution.)

By item, all loans (including guarantors) and loan repayments, including date, name, address, occupation and employer, and amount and interest rate.

By item, all rebates, refunds, dividends and interest over \$200 within a calendar year — including name, address, date and amount.

By item, all expenditures for operating expenses over \$200 during a calendar year — including the recipient's name, address, date and amount and purpose of expenditure.

The amount and nature of debts owed to or by the committee.

What constitutes a contribution under federal law?

Any gift, subscription, loan, advance or deposit of money, or anything of value, made for the purpose of influencing a federal election is a contribution. A "contribution in-kind," such as the use of office space, machinery, equipment, or the help of individuals donated by or paid for by a person other than the committee or candidate is also a contribution.

How are non-monetary or in-kind contributions treated?

Non-monetary contributions, such as lending an automobile, employee, typewriter or giving paper and stamps, are subject to the same prohibitions, limitations and reporting requirements as monetary contributions. Non-monetary contributions should be valued at their usual and normal charge.

Are loans always contributions?

A loan is generally a contribution to the extent that the obligation remains outstanding. However, a loan of money by a national or state bank made in the ordinary course of business is not a contribution (although it must still be reported). To be considered made in the ordinary course of business, the loan must be in writing, subject to a due date or amortization schedule and bear the usual interest rate.

Are there other exceptions to the definition of contributions?

Yes, these include voluntary personal services; unreimbursed travel expenses by campaign volunteers up to \$1,000 per election; rental value of one's home; cost of invitations and food and beverages voluntarily provided at an individual's home up to \$1,000 per election per donating family member. Legal and accounting services rendered by a lawyer or accountant for the purpose of complying with federal election laws are also exempt but must be reported by the campaign. Also, certain political party expenditures for items that mention a specific federal candidate (e.g., bumper strips, buttons, and slate cards featuring 3 or more federal and non-federal candidates) or which are produced with significant volunteer involvement and do not involve public (newspaper, radio, television, or vendor-produced direct mail) advertising are exempt from the definition of contribution.

Is a contribution to an individual before he declares as a candidate disclosable?

Funds received solely for the purpose of determining whether an individual should become a candidate ("testing the waters") are not contributions but cannot be funded except from sources that would be legal contributions under the Act. If the individual subsequently becomes a candidate, these funds are considered contributions and subject to both the limits and the reporting requirements of the Act.

What do expenditures include?

Expenditures that must be reported include payments of money, transfer of funds to another political committee, repayment of loans, and written contracts to make expenditures.

What is an independent expenditure?

An expenditure is independent if it is for a communication expressly advocating the election or defeat of a federal candidate which is not made in cooperation or consultation with a candidate or an authorized committee of that candidate.

What is "cumulative amount" under federal law?

"Cumulative amount" means the amount contributed or expended since January 1st of the present calendar year. Each calendar year is considered separate, and the only carry-over to a successive calendar year is the beginning cash balance.

If a contributor has already been listed in a previous report, and additional contributions of any amount are received from that contributor within the same calendar year, the contributor must be listed on the prescribed reporting forms, using the same name as previously reported and showing the new cumulative amounts.

WHEN TO FILE STATEMENTS

How many reports must be filed in a federal election?

All contributions to and expenditures by candidates are reported by their principal committee (consolidated with all authorized committees). In election years, committees authorized by House and Senate candidates file quarterly reports (15 days following the close of the quarter), a pre-primary report (12 days prior, or 15 if by mail), a pre-general report (12 days prior, or 15 if by mail), and a post-general report (30 days after the election). In non-election years, authorized committees file semi-annual reports due July 31 and January 31.

Monthly filing is required in an election year for all authorized committees of a presidential candidate if the committees have received or anticipate receiving \$100,000 or have spent or anticipate spending \$100,000. All other presidential committees in election years are required to report quarterly. In non-election years, authorized committees of presidential candidates may elect to report either quarterly or monthly.

All other political committees may file monthly, or in election years, for every election in which they have spent funds they may file quarterly, pre-primary, pre-general and post-general election reports, and in non-election years, semi-annual reports.

Must "last-minute contributions" be reported in a special manner?

Yes. Contributions of \$1000 or more received by a candidate or his/her authorized committee after the 20th day but more than 48 hours before an election must be reported by the candidate's principal campaign committee within 48 hours by hand-delivered letter or by telegram disclosing the contributor's name, occupation and employer, amount, date and office sought. The donor of such contribution need not also file such a report even if it is a committee.

Independent expenditures of \$1,000 or more during the last 20 days must be reported within 24 hours.

WHERE TO FILE REPORTS

Where must campaign reports be filed?

Authorized committees of a candidate file reports with the candidate's principal campaign committee. The principal campaign committee then files a single report for that campaign. House candidates' principal campaign committees file an original with the Clerk of the House of Representatives, Washington, D.C. 20515. Senate candidates' principal campaign committees file an original with the Secretary of the Senate, Washington, D.C. 20510. All other committees file an original with the Federal Elections Commission, 999 E Street, N.W. Washington, D.C. 20463, including multi-support committees and persons making independent expenditures. The Clerk of the House and the Secretary of the Senate immediately forward copies of all their reports to the FEC. In addition, a copy of all reports must be filed with the Secretary of State of each state in which the candidate seeks election. Records and reports are required to be kept for three years after filing.

How may reports be filed?

In all cases except for the pre-election report (12 days prior to an election), reports may be hand-delivered or sent by registered or certified mail and postmarked by the filing deadline. Pre-election reports must be hand-delivered 12 days before the election or postmarked registered or certified not later than the 15th day before the election.

PROHIBITIONS AND LIMITATIONS

Does federal law limit cash contributions?

Yes. No one may make a cash contribution to a federal candidate that totals more than \$100.

Does federal law impose contribution limitations on individuals?

Yes. There is a \$1,000 limit on the amount an individual may contribute to a single federal-office candidate's authorized committee (including the principal campaign committee) in the primary and \$1,000 in the general election. All presidential primaries are treated as a single election. Run-off and special elections are treated as separate elections. However, each \$1,000 contribution may be given at the same time if designated by the contributor for each separate election. There is a \$5,000 annual limitation on contributions to any other political committee, except that the limit is raised to \$20,000 for contributions to national party committees. Also, there is a \$25,000 limit on the total amount an individual may contribute to all federal candidates and committees in a calendar year.

If a contributor makes a contribution to a candidate which exceeds the contributor's limits for one election (e.g., a primary), the contribution may be redesignated by the same contributor to another election (i.e., from the primary election to the general election) if the redesignation is within the contributor's limit for the general election and the redesignation is made in writing within 60 days of original receipt.

How do the contribution limitations apply to spouses?

Even though one person in a single-income family has contributed \$1,000 to a candidate for an election, the spouse may also contribute \$1,000 to the same candidate for the same election.

If a contribution is received by a candidate which exceeds one spouse's contribution limits to the candidate for an election, it may be reattributed to the other spouse if the reattribution is within the other spouse's contribution limits to the candidate, and the reattribution is made in writing within 60 days of original receipt.

What are the contribution limitations imposed on political committees?

The limitations are the same as for individuals. However, multicandidate committees (defined above) may contribute up to \$5,000 to a federal candidate for each single election, and can contribute \$15,000 to the national party committee per calendar year.

Are campaign expenditure limitations imposed by federal law?

No. As originally adopted the law did limit campaign expenditures. However, the United States Supreme Court in *Buckley v. Valeo* held that such expenditure ceilings impose "direct and substantial restraints on the quantity of political speech" and as a result violate the First Amendment to the United States Constitution. But presidential candidates who accept public funding for either the pre-nomination or the general-election campaign must abide by the spending limits found in the Act.

Are there personal-contribution limitations imposed on the candidate?

No. Spending of personal money by a candidate in his or her own campaign has been defined as an expenditure by the candidate, not a contribution. Thus, candidates (except for presidential candidates using public financing) may spend unlimited amounts of personal funds. (Note: The FEC has

complex regulations defining personal funds.)

Does federal law impose limitations on the total amount persons or committees may spend independently but on behalf of federal candidates?

No. Because of the United States Supreme Court's Buckley decision there is no limitation on a truly independent expenditure made on behalf of a federal candidate. Thus, there are no limits on what a person or committee may spend, for example, for direct purchase of newspaper ads to influence an election, if done independently of the candidate. (See above for reporting of independent expenditures by persons.) In 1985 the United States Supreme Court ruled that independent expenditures in presidential campaigns in which the candidate had accepted public funding could not be limited. Contributions to committees making independent expenditures can be limited to \$1,000 if the committee only makes independent expenditures for one candidate or \$5,000 if the committee intends to support or oppose more than one candidate.

Can corporations or labor organizations make contributions or expenditures on behalf of federal candidates?

No, but corporations and labor organizations are permitted to establish separate political funds (commonly called PACs) if the donations are voluntary. However, certain political expenditures are allowed. For example, money may be spent for communication by a corporation to its executives and stockholders or a union to its members on any subject, and non-partisan registration and get-out-the-vote efforts aimed at stockholders or union members are permitted.

Costs of communications expressly advocating the election or defeat of a candidate must be reported if over \$2,000 per election.

What other restrictions are applicable?

Contributions to federal, state or local candidate campaigns by national banks, government contractors and foreign nationals who are not lawfully admitted for permanent residence in the United States are all prohibited, as are anonymous contributions of \$50 or more.

Is campaign literature for a federal office required to contain certain information?

Yes. All literature and advertisements soliciting contributions and all communications advocating the election or defeat of a federal candidate must identify the person or committee which paid for the solicitation or communication. If the solicitation or communication is not authorized by the candidate or his/her committee, it must so state.

What use can be made of excess campaign funds?

Generally, excess campaign funds may not be used by any person for any personal use other than to defray any ordinary and necessary expenses incurred in connection with his or her duties as a holder of federal office, or to repay to a candidate any loan the proceeds of which were used in connection with his or her campaign.

Does the Federal Elections Act place a limit on the amount of honoraria elected federal officials may receive?

Yes. Acceptance of honoraria for individual speeches, appearances or articles in excess of \$2,000 is prohibited. The United States Senate and the House of Representatives by rule have imposed limitations on the amount and sources of gifts to elected representatives. The Senate Ethics Office and House Committee on Administration should be consulted with specific questions about these rules.

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MISCELLANEOUS

Does the federal law require candidates and officeholders to disclose publicly their personal finances under financial disclosure provisions?

Yes. United States Senators and Members of the House of Representatives and candidates for these offices are required to file financial disclosure statements with the Clerk of the House of Representatives and the Secretary of the Senate, respectively. These reports must also be forwarded to the Secretary of State of the state which the individual represents and are available for public review.

Must federal candidates and political committees be concerned with tax considerations?

Yes. Any income over \$100 per year (interest, dividends, sale of assets, etc.) earned from contributions is subject to payment of income taxes by the candidate, officeholder or committee. Federal law has eliminated the tax credit to individuals for contributions to candidates for public office. California residents are permitted to take a small tax credit for contributions to candidates and ballot measures on their state return.

SOURCES OF DETAILED INFORMATION

STATE

FAIR POLITICAL PRACTICES COMMISSION, 428 J Street, Suite 800, P.O. Box 807, Sacramento, CA 95804-0807. (916) 322-5662.

REGULATIONS: CALIFORNIA ADMINISTRATIVE CODE, TITLE 2, DIVISION 6. Department of General Services, Publications Section, P.O. Box 1015, North Highlands, CA 95660. (916) 924-4800.

CONTINUING EDUCATION OF THE BAR, 2300 Shattuck Avenue, Berkeley 94704. (415) 642-3973. Official reporter of Fair Political Practices Commission opinions and enforcement decisions and publisher of "The Law of Politics" book.

THE CORPORATION IN POLITICS, PACS, LOBBYING LAWS AND PUBLIC OFFICIALS, by Vigo G. (Chip) Nielsen, Jr. and Thomas J. Schwartz (outline manual); Practicing Law Institute, 810 Seventh Avenue, New York, NY 10019.

FEDERAL

FEDERAL ELECTIONS COMMISSION, 999 E Street, N.W., Washington, D.C. 20463. (800) 424-9530.

THE CORPORATION IN POLITICS, PACS, LOBBYING LAWS AND PUBLIC OFFICIALS, by Vigo G. (Chip) Nielsen, Jr. and Thomas J. Schwartz (outline manual); Practicing Law Institute, 810 Seventh Avenue, New York, NY 10019.

CAMPAIGN PRACTICES REPORTS (manual and monthly newsletter), 1412 22nd Street, N.W., Washington, D.C. 20037. (202) 887-8575.

FEDERAL REGULATION OF CAMPAIGN FINANCE AND POLITICAL ACTIVITY, by Thomas J. Schwartz and Alan G. Straus (manual), Matthew Bender & Company, 1275 Broadway, Albany, NY 12201. (518) 462-3331.

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Schedule G-Adjustments
Major Donor Report-Form 461
Lobbyist Report-Form 615
Lobbying Firm Report-Receipts
Lobbying Firm Reports-Payments

California Internal Reports

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(Thomas F. Karlson - Phoenix)

Complies and Monitors
PROPOSITION 73 LIMITS/FISCAL-CALENDAR AMOUNTS

ble things. Even Ted Bundy alluded to it, singling it out as the reason he got started." (Bundy, executed recently in Florida, had been convicted of sexually abusing and murdering a series of women.)

Doolittle believes that society has a right to protect itself, and has a right to restrict some individual freedoms — the freedom to write or film smut, for example — when it identifies a threat.

The Republican lawmaker singled out AIDS as a prime menace to society. Doolittle sponsored a package of AIDS-related bills during the 1987-88 legislative session; one of them would have allowed both testing for AIDS and release of test results without the consent of those being tested. A person's right to privacy would be mooshed, but Doolittle argues that AIDS necessitates cutting individual rights.

Doolittle hedges when asked to apply the same constitutional restrictions to gun control. Should Californians ban the sale and ownership of semi-automatic Uzis and AK-47s? No, says Doolittle. The threat posed by the proliferation of these weapons can be diminished by preventing bad people

from having them. He concedes, however, that the people of California have the constitutional right to ban them.

"The citizens of California have the right to do what they're going to do on this matter," he said, unable to bring himself to say, outright, that the words mean a ban on guns. "The question is, is it desirable?" In John Doolittle's mind, bare breasts on network television endanger society more than do Uzis in the hands of gang lords.

What does the future hold for John Doolittle? He has been mentioned among those hopefuls positioning themselves for a run at statewide office in 1990, perhaps lieutenant governor or attorney general. But Doolittle seems daunted by the prospect.

"The thought of raising all that money is what is stopping me now," Doolittle explained. "I just had a campaign where I had to do that, and it is overwhelming to think I would have to do it all over again."

The Republican Party seems bereft of good statewide candidates, Doolittle concedes, and he holds no doubt he could be an asset. But other factors

weigh on his decision. Doolittle, a graduate of UC Santa Cruz and McGeorge School of Law in Sacramento, is married and has a family.

"My family comes first," Doolittle said. "I'm not about to cast them off for the ambition of holding higher office. Your family is with you forever; political office is not. You need to keep your priorities straight."

John Doolittle says he is not bothered by the animosity that dogs him. He says he won't alter his beliefs or temper his pugnacity to be better liked. He knows that many people cannot abide him, dislike him intensely, and he understands that this is the price for being an outspoken ideologue. But the attacks on him have been increasingly more vicious of late.

John Doolittle has a son, John Jr. His son did not read that a local newspaper columnist thought his father belonged in a landfill. Somewhere, in the back of John Doolittle's mind, he must think about what will be written about him if he runs for statewide office. Somewhere, in the back of John Doolittle's mind, he must wonder what the affect will be on a 10-year-old boy. 

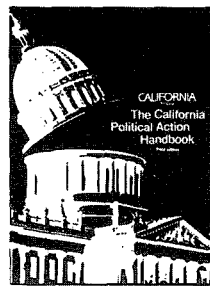
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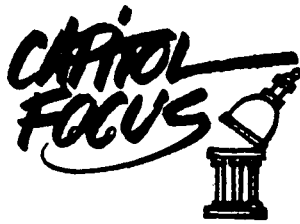


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Striking it rich

Congress discovers big PAC money

By Michael Doyle

While state lawmakers face new restrictions on contributions to colleagues, their federal counterparts remain largely unfettered. Indeed, over the past several years, several of California's most powerful congressmen have expanded their fund-raising clout to help themselves as they help their allies.

For Congressmen Tony Coelho and Henry Waxman, personal political-action committees are an integral part of their positioning within the House of Representatives. Coelho, a Merced Democrat who once was the chief fund raiser for congressional Democrats, has since parlayed his own group, called the Valley Education Fund, into the largest of its kind in the country.

Since 1985 Coelho's Valley Education Fund has contributed more than \$1.1 million to other Democratic politicians,

Federal Election Commission records show. In 1988 alone the PAC distributed more than \$362,500 to various candidates.

Along the way, Coelho himself has risen to the position of House majority whip — the third-highest position in the Democratic leadership — and cemented his reputation as a source of campaign monies.

"Basically, members know that I'm willing to help them out," Coelho said.

Waxman, a Los Angeles Democrat who regularly funneled money to fellow legislators while in the state Assembly, continues the practice in the House. Through his 24th Congressional District of California PAC, Waxman provides significant pocketbook support for Democrats who share his pro-environment, pro-Israel ideology. And if they're in a position to help him out on the House Energy and Commerce Committee, where Waxman chairs the important health subcommittee, that's nice, too.

Waxman's PAC has contributed more than \$364,000 to

Michael Doyle is a reporter in the Washington D.C. bureau of McClatchy Newspapers.

other candidates since 1985, according to federal records. Its biggest year by far was 1988, when \$209,500 flowed out to assorted Democrats.

"In the 20 years I've been involved in elected office, I have always given campaign money to other Democrats," Waxman said. "It makes it easier for me to accomplish legislatively what I hope to."

These committees are but the latest way politicians have found to help each other out — or, as it is typically phrased, "build coalitions." The old ways do continue, though. To take one example, Republican Congressman Duncan Hunter of Coronado has distributed more than \$31,000 from his campaign committee to fellow Republican incumbents since 1985.

But the rising cost of campaigns, and the nature of federal election law, seems to encourage the formation of leadership political action committees. Under federal law, the PACs can give \$5000

to a candidate per election, rather than the \$1000-per-election limit imposed on non-PAC contributors.

Reformers find the leadership PACs particularly insidious, wedding, as they do, special-interest groups to the upper ranks of the congressional hierarchy. Directly above Coelho in the House leadership, Speaker Jim Wright has his Majority Congress Committee and Fund for New Leadership, while Majority Leader Tom Foley has his House Leadership Fund. Neither raises as much money or gives to as many Democrats as does Coelho's.

"It's a problem if the leadership of Congress is chosen by who raises the most money rather than who is the best legislator," said William Wasserman, a lobbyist for Public Citizen's Congress Watch. "It's inappropriate for members to use money to enhance their role in Congress."

More surprising, perhaps, is the criticism now coming from some of those who've perfected the monied art of leadership PACs. Tony Coelho, notably, introduced a multi-faceted campaign-reform measure at the start of this congressional session. It's the second time Coelho has introduced this campaign-reform bill, and he now says he wants to eliminate groups like his own Valley Education Fund.

"I basically feel we should do away with leadership PACs," Coelho said. "I'm big on the party. I want to help the party."

A cynic might suggest that Coelho's newly stated desire is a way of burning a bridge behind him, thereby thwarting potential challengers from using the same fund-raising path he did. Coelho dismisses the suggestion, asserting that there are plenty of good ways to get ahead in the House without spreading around money; members can work the floor, he says, or they can help the leadership in a myriad of ways.

The good-government advocates want to believe Coelho's sincerity. They are watching carefully how his campaign reform measure HR 14, and his hyperactive Valley Education Fund, progress through 1989.

"This is the extraordinary thing," Wasserman said. "The challenge is for him to really take it seriously and move it forward this year."

Waxman, by way of contrast, insists there's nothing wrong with politicians helping out their colleagues. Cam-

paign reform may well be needed, he admits, but until the entire system is overhauled, he sees no reason to focus specifically on leadership PACs.

"I think, given the campaign system that we have, it's all to the good," Waxman said. "We can develop more cohesion and coherence in the formation of policy."

Judging by the contributions of the 24th Congressional District PAC, Waxman's policy interests extend beyond the House in which he serves.

Last year, for instance, the group doled out \$5000 to Democratic Assemblyman Phil Isenberg to help the Sacramentan fight off a Republican challenge. It gave another \$7000 to Lieutenant Governor Leo McCarthy's unsuccessful Senate challenge to Republican Pete Wilson, while giving \$10,000 to former Congressman Buddy MacKay's unsuccessful Senate bid in Florida.

Coelho's group did not extend helping hands into state-level races in 1988, although it did contribute to state Senator Gary Hart's congressional try against incumbent Congressman Robert Lagomarsino of Santa Barbara. Like the 14th Congressional District PAC, however, the Valley Education Fund aided the Senate campaigns of both McCarthy and MacKay.

The contribution list for these leadership groups, particularly the Valley Education Fund, reads like a Who's Who of the nation's 4268 registered federal political action committees.

Of the \$311,804 raised by the Valley Education Fund between January and November 1988, some 61 percent came from other PACs. The itemized contributions included less than \$5000 from individuals or groups within Coelho's own 15th Congressional District. In years past, however, the winemaking Gallo family in Modesto have been faithful supporters of the Valley Education Fund.

Other regions of the country, meanwhile, have historically been well represented. Take Texas, where in February

**"I've never felt you can buy friendship or buy votes, but you need people to listen to you."
—Tony Coelho**

1987 the Valley Education Fund received a \$1000 contribution from Dallas savings-and-loan owner Thomas Gaubert.

The relationship between Gaubert, who used to be a major fund raiser for the Democratic Congressional Campaign Committee, and House Speaker Jim Wright has been one focus of an extended House Ethics Committee investigation. Late last year, a jury found Gaubert innocent of charges that he had defrauded an Iowa thrift.

While contributions from health and financial interests are common, the Valley Education Fund rakes in money from diverse sources. Last summer, owners and trainers from several Kentucky horse farms contributed \$8500 to the fund. And in November 1987 individuals and a PAC associated with Waste Management Inc. bundled up at least \$6500 for the committee. The world's largest garbage company, Waste Management, operates the Kettleman Hills hazardous waste disposal site in Coelho's district.

Coelho first really revved up the Valley Education Fund in 1986, the year in which he was putting together his ultimately successful whip race. In that year alone, the PAC distributed \$517,600 to other Democrats.

"Obviously, it has helped me out with my colleagues," Coelho allowed. "I've never felt you can buy friendship or buy



Coelho

votes, but you need people to listen to you."

For Coelho, the Valley Education Fund is a natural extension of the work he did for six years as chairman of the Democratic Congressional Campaign Committee. As exquisitely detailed in Brooks Jackson's book *Honest Graft*, Coelho built what's commonly called the D-triple-C into a formidable competitor for special-interest funds.

Coelho became known to many colleagues as committee chairman, but he says he also got into the position where House colleagues ceased being grateful for the funds they received, considering it instead their right. With his Valley Education Fund, he says, he's been able to spread help around

more generously and erase what he calls "the negatives" of having previously turned down petitioners.

Waxman began distributing funds to colleagues not long after his first election to Congress in 1974. Originally, these monies came from his own campaign committee, as when he helped out fellow members of the powerful House Energy and Commerce Committee in 1978.

As described in the *Almanac of American Politics*, Waxman's contributions and his own estimable reputation helped

him defeat a more senior colleague to win the chairmanship of the committee's health and environment subcommittee.

"Some of those people had tough re-elections," Waxman said. "I think the major benefit I received was to make sure that some of the people on the committee would be back."

By subsequently creating a separate political action committee, Waxman noted, he could increase to \$10,000 the amount any recipient could get in a year. During the early-to-mid 1980s, before Coelho began his whip race in earnest, Waxman's 24th Congressional District PAC was regularly outpacing the Valley Education Fund.

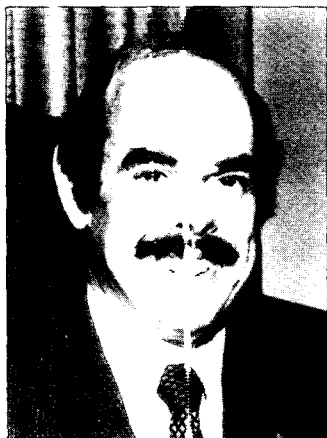
Akin to Coelho's, nearly 60 percent of the \$42,000 raised by Waxman's PAC came from other political action committees. Many of the contributions also come from far outside Waxman's district.

As demonstrated during last year's races for Senate majority leader and House Democratic Caucus chairman, leadership PACs seem to be becoming a permanent part of the congressional landscape. Democratic Senator Daniel Inouye of Hawaii established a Senate Majority Fund to scoop out bucks to colleagues — giving more than \$75,000 in two years.

In the House, Congressman William Gray of Pennsylvania contributed more than \$43,000 to fellow Democrats through his Gray for Congress 1988 and the Committee for Democratic Opportunity.

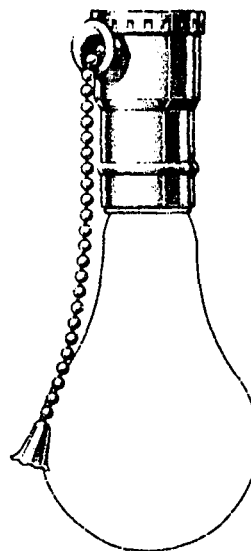
"I need funds to pursue this new challenge," Gray wrote, in a letter quoted last year by the *Washington Times*. "I would appreciate your sending me a check for \$500 to \$1000 so that I can begin to build the active support within the Democratic members of Congress to win this key leadership position."

It's become, Coelho said, almost like an arms race; the bucks are getting bigger, everyone wants to get into the game, and no one wants to disarm first. Whether the 101st Congress can succeed in de-escalating the whole spiral remains to be seen. ■



Waxman

Do someone a favor ...

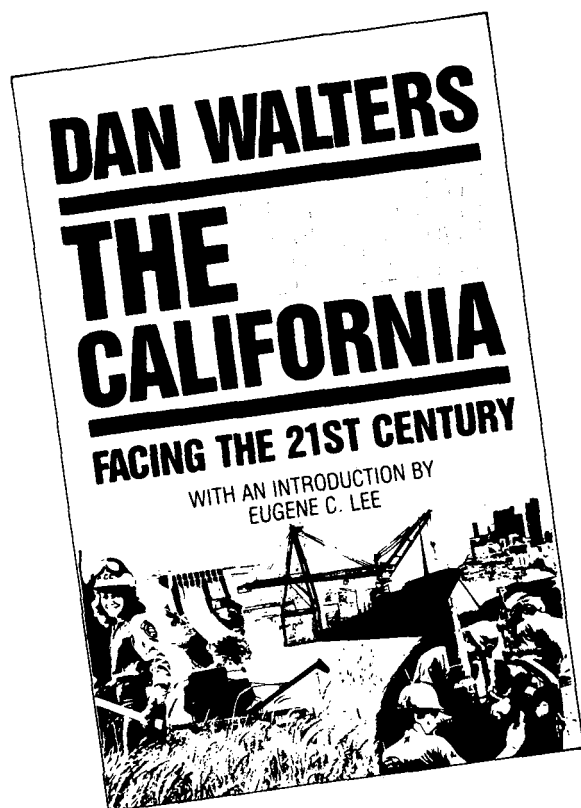


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Books from California Journal



The New California — Facing the 21st Century

by Dan Walters
with an introduction
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The *Sacramento Bee*'s well-known political correspondent, Dan Walters, recently completed a 9000-mile odyssey through California's 58 counties which resulted in a 15-part series in the *Bee*. The articles describe the socioeconomic future of the nation's largest state and the political implications of these trends. This lively and insightful series is now available in book form. The 180-page book contains numerous charts with detailed political and demographic data. Price: \$8.95.

California's Legislature by James Driscoll. This is a 256-page comprehensive book on the state's Legislature with six chapters covering every aspect of the institution in detail. This latest edition has been completely revised to include data through the 1986 session. Other chapters cover the executive and judicial branches, constitutional history, election law, media, the capital building and numerous appendices with statistical data and information on the flags of California, seals, the governor's mansion and the origin of California place names. 1986, 6 x 9", 256 pages, paperbound, \$4.95. Bulk discount: 10-49 copies, \$4.55 ea.; 50-99 copies, \$4.25 ea.; 100 or more, \$3.95 ea.

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LA plans a court for kids

By Terri Jonish

On any given day, hundreds of children spend hours crowded into the dreary, smoke-filled, depressing halls of the Los Angeles County Criminal Courts Building. They stand along with criminal defendants, and await decisions on their future.

But these children are lucky. They have the comfort and support of a parent or relative during these endless hours.

The children who have been removed from their homes for their own safety and are under the protection of the court can easily begin to view themselves as they do the criminals who are their neighbors in the court building. They enter the Criminal Courts Building through the same foreboding tunnel entrance as criminal defendants. While the handcuffed adult defendants are led into a gated area, the children sidestep bags of garbage to take a freight elevator up to the "detained area" where they will wait their turn in court.

Welcome to the dependency court — that section of the Juvenile Court System that hears child abuse and neglect cases and determines whether or not the child should be allowed to stay with his or her parent.

The frightened and bewildered expressions on both the parents and children reflect the tragedy of their predicament. The harsh environment of the very system that attempts to

Terri Jonish is a freelance writer from Los Angeles.



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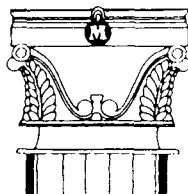
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seek justice for abused and neglected children unintentionally victimizes them again.

This situation is among the most graphic of the problems plaguing Los Angeles County's overcrowded court system. Even more deplorable is the brutal fact that this problem dates back to the mid-1970s.

Prior to 1974, dependency cases (dealing with abused and neglected children) were merely one component of the Juvenile Division of the Los Angeles Superior Court. In 1974 dependency cases were first separated from juvenile delinquency cases and heard in a single facility in the old Metro Annex building in downtown Los Angeles. At that time, only three or four courtrooms were required to handle the caseload of dependency cases.

By 1978, however, the caseload had grown. The dependency courts were "temporarily" relocated to the Criminal Courts Building where they still remain.

Today, the caseload of child abuse and neglect cases utilizes more than 15 fulltime courts and clearly needs more. On a given day, a single courtroom hears an average of 30 cases. A total of 450 children go through the system on a daily basis. There were 15,691 dependency petitions filed in 1987-88 fiscal year, nearly double the 8355 filed in 1980-81.

The surge in dependency cases has affected the entire court system. In describing the situation, Assistant Presiding Judge Ricardo A. Torres remarked, "We can't solve the problems of our overcrowded courts until we solve our dependency court problems."

For 15 years the Los Angeles County Board of Supervisors rejected various proposals either to utilize existing buildings or to build a separate juvenile courts building, not because the dependency court wasn't a high priority, but largely because of the county's financial limitations.

The Los Angeles County Board of Supervisors is closer than it has ever been to giving its approval to plans for the construction of a new dependency court building. The board currently is considering final plans for the design and construction of a new children's court that not only will address the judicial needs of the county's abused and neglected children, but that will set new standards for such courts throughout California and the entire nation. This project also will represent a unique broad-based partnership effort that ultimately will include the private sector, local community organizations, state, county and local government, and academia.

Frank Zolin, Los Angeles county clerk and executive officer of the Superior Court, described this opportunity as "the best proposal yet" to find a "permanent home" for the children's court to handle dependency cases. "This project is not just another courthouse," he said.

The plans currently under consideration by Los Angeles supervisors involve a 4.2-acre site located in Monterey Park at the intersection of the Long Beach and San Bernardino freeways. The \$45.1 million facility would include a six-story, 275,000-square-foot building and an adjacent parking structure. The actual courthouse would house 25 superior court hearing rooms; initially, the top floor would be left vacant for future expansion.

Although the final designs for the actual courtrooms are not yet complete, the preliminary plans indicate smaller courtrooms, a less-foreboding building and waiting areas that are brighter and more accommodating.

"The courtrooms will still look like courtrooms, but they will be scaled down and will have a different 'feel' to them from more traditional courtrooms," said Zolin.

The bench, as an example, will still be elevated to maintain control, but will be down-scaled to reduce the intimidating nature of the environment. Its elevation will be lowered to



Photo by Teri L. Gilman/Image Works West

Attorneys, social workers, clerks, parents and children all compete for space in the undersized dependency courtroom of Judge Robert Leventer, center.

six inches instead of the traditional 14 inches. The decor of the facility will feature warm colors and subtle textures. The waiting areas will likely be modules with round, soft furniture. Furnishings with sharp edges and angles will be avoided, opting instead for tables with rounded edges. Although designs are not final, the overriding objective will be to create a warmer, less-harsh environment that is child-sensitive.

Pointing out that the dependency courts involve "adversary proceedings," Zolin commented, "If the courtrooms are too informal or too casual, they run the risk of minimizing the respect or authority of the court and reducing the ability of the judicial officer to control proceedings. Because the dependency court deals with children and parents, it must convey a humanistic sensitivity without minimizing the severity of the legal consequences. There is a critical need for the facility to be functional and operationally economical."

To achieve this delicate balance, the Superior Court appointed a design committee. The purpose of this 11-member committee, chaired by immediate past-Presiding Juvenile Court Judge Kathryn Doi Todd, is to work with project developers to assure that the final architectural plans for the courthouse are child-sensitive and youth-oriented. This committee has sought and received recommendations from a broad range of concerned citizens and interested community groups.

The total project is being developed by California Partnerships, Inc. (CPI) and Kajima International, Inc. (KII). CPI, established in 1983, is a firm that promotes the use of public-private partnership approaches for energy, environment and land development projects.

KII is a major international architectural, engineering and construction firm known for its "pioneering spirit."

Among its credits are the design and construction of the Supreme Court in Japan as well as several other Japanese judicial buildings. If the board approves the plans as anticipated, KII will begin construction next year.

The CPI/KII proposal to the Board of Supervisors included a recommendation for a partnership between California State University at Los Angeles, Los Angeles County and the Superior Court.

Cal State L.A. would assist the court and its support agencies in the handling of child abuse and neglect cases. This involvement would provide Cal State L.A. students and faculty with opportunities to study the causes and treatment of child abuse and neglect. Eventually, it would include training programs for law enforcement, social work, education and health-care professionals.

Zolin described Cal State L.A.'s involvement as "a natural partnership" that no one had considered prior to CPI's recommendation.

Judge Paul Boland, the new presiding judge of the Juvenile Court, was very excited about the potential involvement of Cal State L.A. He said, "The court recognizes that there needs to be an interdisciplinary approach to the problem of child abuse and neglect ... that it can't be handled with the typical approach utilized in juvenile delinquency cases. The association with Cal State L.A. reflects this commitment by the court and its participants to reach out to the expertise the academic community can offer."

Los Angeles County Supervisor Deane Dana called the plans for the new dependency court a "win-win situation for everyone, especially the children." He said candidly, "What really excites me is the prospect of the private sector's partici-

pation."

The private sector's involvement, however, goes beyond CPI and KII. In fact, Dana remarked, "When it comes to the children's court, the private sector is our secret weapon."

Although the Board of Supervisors has committed the majority of the money to build the new court, it is looking to the private sector to provide many of the child-sensitive and family-oriented elements that will distinguish this courthouse from more traditional ones.

In the project's earliest planning and design stages, the county has already received commitments and offers from a variety of organizations and community groups. Organizations such as Friends of Child Advocates and the Interagency Council on Child Abuse and Neglect (ICAN) have offered to provide volunteer staffing, office furnishings and carpeting.

The Los Angeles Rotary Club, at the request of the Board of Supervisors, has organized a Children's Court committee to provide additional private sector expertise and support.

Virtually everyone involved with the dependency court — from the Board of Supervisors to the Superior Court to Chil-

dren's Services and other agencies — all agree that the children should not be exposed to the criminal court atmosphere.

Judge Boland believes that the families' negative feelings toward the court tend to extend the rehabilitation process. "With the new court, the families, children and other participants will be more comfortable. The extent to which families approach the system with positive feelings, or at the very least, neutral feelings, will accelerate the rehabilitation of the parents and the reunification of families," he remarked.

Judge Todd summed up the importance of the Dependency Court, "The children who are not served in dependency, we see again in delinquency (court). And those we don't serve well in delinquency, we see again in the Criminal Courts."

California's county boards of supervisors regularly address issues that affect their local constituencies. Few decisions, however, will attract the attention or have the impact of the decision the Los Angeles County Supervisors face on the children's court. ■

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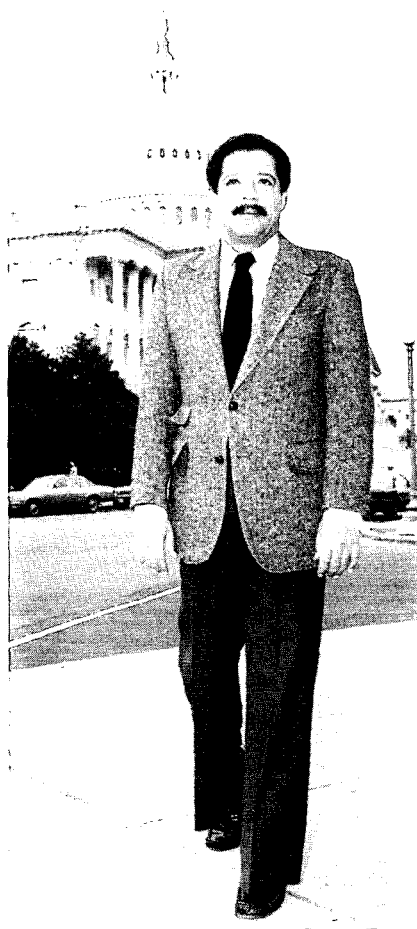
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Congressman Julian Dixon

Low-profile by choice

By Tom Waldman



In an age when entertainers like Sonny Bono, Clint Eastwood and Ronald Reagan are easily elected, rare is the politician who cares little for the power of television. Which makes it astonishing that Congressman Julian Dixon, Democrat from Inglewood, said no to the "MacNeil/Lehrer Newshour" and "This Week with David Brinkley" on the same day.

Dixon, who has been a member of the House of Representatives since 1978, is so cavalier about publicity that he's rarely caught smiling in the obligatory pictures that fill the pages of his district newsletter. A highly articulate man, Dixon is much more the pensive philosopher than the happy king. He goes about his business as if sound bites had never existed.

Dixon's refusal to partake in the games that go with modern campaigning poses something of a dilemma for his many and powerful political friends, who include the politicians associated with Congressmen Henry Waxman and Howard Berman, and Los Angeles Mayor Tom Bradley. The qualities they admire in Dixon — including near the top of the list a refreshingly subdued style — are precisely those that work against a successful run for statewide office. Dixon's supporters have come to grudgingly face this truth.

"It takes perhaps a bit more charisma than Julian commands," said Father Lewis Bohler, Church of the Advent, Episcopal, in South Central Los Angeles,

es, who has backed the congressman for more than a decade. "Julian is so low-key he's not likely to run." Bohler said even Bradley — not a dynamic politician himself — has "a wee bit more fire" than Dixon.

Despite his enviable connections, Dixon is not one for raising much money. The September 30th spending report indicated he had a paltry \$77,000 on hand, just about enough to ensure another 75 percent of the vote in his exceedingly safe district, where 73 percent of the voters are registered Democrats. Those who have attended say Dixon's fund raisers are highly unusual affairs; few speeches, fewer jokes, everybody out by 10.

Ironically, now would be the ideal time for the 54-year-old Dixon to shed his reserve and seek a wider audience. As chairman of the House Ethics Committee, Dixon is leading the widely-publicized investigation of Speaker Jim

Wright for six alleged violations of House rules, including improper lobbying efforts on behalf of a Texas oil company and use of campaign funds and government resources in the writing of his own book. This case is big enough that even the name of Julian Dixon — not to mention a few of his words — appeared on the front page of the *New York Times* and the *Los Angeles Times*. It was in connection with the Wright probe that the Brinkley show and MacNeil/Lehrer placed their unsuccessful calls.

But unlike Republican Howard Baker, a former congressman who rode the Watergate hearings to more than 10 years of political stardom, Dixon is not tempted to further his own career by asking in a loud voice what did Jim Wright know and when did he know it. In fact, he admits to some discomfort in the role of a Democrat investigating one of the most powerful members of the party. "There are always risks inherent in any kind of responsibility of this type," said Congressman Howard Berman. "It's an unenviable task."

The job is not made easier by the constant badgering of Georgia Republican Congressman Newt Gingrich, who pressed the allegations of ethical misconduct on the part of Wright. Dixon's Washington office has been swamped with anti-Wright mail from a Gingrich and GOP-inspired nationwide letter drive.

If the urge to publicly respond to the onslaught is great, Dixon isn't letting it show. "It is not appropriate to discuss the particulars of this case at this time," he said. *Continued on next page*

Tom Waldman is a freelance writer who wrote "West Hollywood" for the December 1988 California Journal.

Meanwhile, his backers are left to wonder what might have been. Dixon's wide range of support from groups who seem to come together infrequently these days — Jews on the Westside and numerous Black religious, community and political leaders — would under different circumstances strongly suggest he is that rare Black candidate in California who could overcome racism and get elected senator, governor or attorney general.

The pro-Dixon contingent — which along with many Jews and Blacks, includes Latinos, Asians, Democrats and Republicans — all have stories at hand to explain their preference. Berman recalls the time Dixon went to a church during a period of rising tensions between Jews and Blacks over the Middle East and impressed upon the congregation that Yasser Arafat was no good guy, but a terrorist. Not an easy thing to do when the Reverend Jesse Jackson had already been praising the Palestine Liberation Organization leader. "Julian is an ideal coalition candidate," said a still appreciative Berman.

Renowned political consultant Joe Cerrell favorably compares Dixon to Jackson, the standard against which Black politicians will likely be measured for several years. Cerrell says his white business buddies are not frightened of the sober Dixon the way they are of the more emotional two-time presidential candidate. "Jackson mau-maus them," said Cerrell, employing the rather offensive language that goes

with the territory.

Cerrell also recalls that Dixon, during his tenure as chairman of the Black Congressional Caucus, dealt with controversial issues "in a rational, tempered manner."

Celes King, public affairs director of the California Black Republican Council, said Dixon and Los Angeles City Councilman Robert Farrell are the only Black Democratic politicians in the area who bother to attend GOP events. King in turn has shown up with his checkbook at Dixon fund raisers. "He has a credible presence, as opposed to a theatrical presence," said King.

Dixon's ability to make friends all over town reminds many people of Bradley, another Black politician who in his heyday received essential support from Jewish political powers in Beverly Hills and Black leaders in South Los Angeles. Like Bradley, Dixon's Black constituency is well under 50 percent. The 28th Congressional District contains a Latino population of at least 25 percent, plus Culver City, which is mostly Anglo.

And like Bradley, Dixon sometimes has to negotiate a thin line between communities. When memos leaked from the office of a political consulting firm called BAD mocked Bradley's intelligence, many Black leaders took offense. The fact that Michael Berman, Jewish and Howard's brother, is one of the two BAD executives created additional tension between the groups. In the midst of the controversy, Dixon

called Michael Jackson's highly-rated Los Angeles radio show to say he has never known Berman or partner Carl D'Agostino to be racist.

The move angered some in the Black community. "I was considerably disappointed by his coming to the rescue of Michael Berman and Carl D'Agostino," said Mark Ridley-Thomas, executive director of the Southern Christian Leadership Conference's Los Angeles office. "It betrayed leadership to the community." The same kind of thing has been said about Bradley from time to time.

A crucial difference between the mayor and Dixon, however, is that Bradley has never been shy about outlining his political goals.

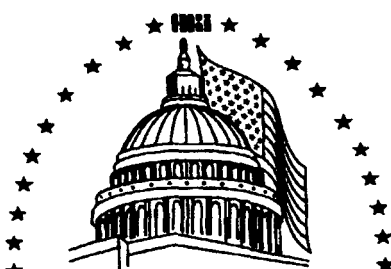
Dixon does acknowledge that he would have run for Kenneth Hahn's coveted seat on the Los Angeles Board of Supervisors had the ailing Hahn not decided to seek another term. "I would like to think I would have gotten the support of the active Democratic leaders in the state," said Dixon, who previously served six years in the Assembly. The moment has probably passed: Dixon refused to say whether he would run for that supervisorial seat at some later date.

At the same time, Dixon is not wedded forever to Capitol Hill. The congressman averages 26 round-trip flights from Washington per year, which is one of the major reasons he says he would like to eventually be based exclusively in the Los Angeles area.

If Dixon had run for Hahn's seat, there is a possibility his opponent would have been Assemblywoman Maxine Waters. The subsequent clash between Dixon's traditional politics and Waters' activism would have made it one of the more intriguing political battles in the state.

Considering the media's selective coverage of Black leaders, Waters, not Dixon, has embraced the outspoken and emotional style most Whites probably assume typifies most Blacks in politics. This is because of Jesse Jackson, whose impassioned speeches have been a staple of network election coverage since 1984.

But Jackson is a phenomenon whose unique talents qualify him for a political hall of fame. "There are few Jesse Jacksons in Black — or any — politics," said Michael Preston, professor of political science at USC and author of "New Black Politics." While Waters is quite close to Jackson and is a speaker in great demand, she cannot realistically be put on the same level as



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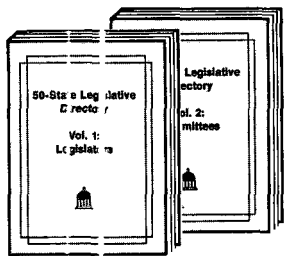
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the master.

Unlike Cerrell, who immediately contrasted Dixon with Jackson, Preston looked at Dixon's "very cautious" style against the more aggressive posture of Waters or Congressman Ron Dellums, who also commands a national Black constituency. But where Dellums, Waters and even Jackson are viewed with suspicion by a majority of establishment Whites, Dixon has been able to garner a good deal of their support. This is so even though all four of the Black politicians are often of a similar mind on the issues.

"I think he hits the important things," said Waters about Dixon. The congressman has voted against Contra aid — except on occasions where the aid would go for "humanitarian" purposes — support for the Angolan rebels and proposed limits to the Clean Water Act. He is in favor of economic sanctions against South Africa, catastrophic health insurance and immigration reform.

But Waters also said Dixon is "not confrontational" and "not a loud voice on issues." "He is the kind who will give letters of support," she added. The manner in which Dixon backed the 1988 campaign of Jesse Jackson lends some credence to Waters' point. While Dixon endorsed Jackson, he did not actively campaign on his behalf. "I endorsed Jackson because I believe he ran a credible campaign and addressed the issues," he said.

Ridley-Thomas, a self-described progressive, agrees with Waters. "In terms of front-line advocacy, that is not where one finds Julian Dixon."

But when Dixon describes the role of the Congressional Black Caucus, he employs the language of activism. "We are strong advocates for poor people everywhere," he said.

Dixon's obvious success at building alliances raises intriguing questions about the right course for Black politicians in America. Waters better reflects the anger of an angry community, yet her way also alienates many White voters, including those inclined to be sympathetic. If the final goal of Black politics is getting people elected senator, governor and president, then it's at least arguable that the strident approach is self-defeating.

On the other hand, it is possible to be too passive. Julian Dixon is great friends with Howard Berman, but not with television. Even White politicians can not expect to win races without first making their peace with the camera. Name recognition does not go to the quiet.

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WASHINGTON PERSPECTIVE

By LARRY LIEBERT

Abortion

As if state legislators and their political opponents did not have enough to argue about each election season, they may be about to find themselves embroiled in a bitter, no-win battle over abortion.

"We can expect a political debate over access to abortion to become a serious issue in legislative races in 1990 as it hasn't been before," predicted leading liberal strategist Ann Lewis.

CONSERVATIVES ARE EQUALLY QUICK to predict that abortion — that most personal, emotional and unresolvable of all issues — is about to return with a vengeance to the political agenda of states all over the country. The reason is that the U.S. Supreme Court plans to rule by Summer on the constitutionality of a Missouri law placing significant restrictions on abortions. The expectation is that the Court, reshaped by former President Ronald Reagan's conservative appointees, will begin to edge away from the landmark *Roe v. Wade* decision of 1973 that proclaimed a woman has a right to choose whether she will abort a fetus.

Anti-abortion justices are now believed to constitute a five-to-four majority on the Court, although the precise views of Justices Sandra Day O'Connor and Anthony Kennedy remain unclear.

The decision to take up the Missouri law indicates the Court is ready at last to reopen the sensitive abortion question. If so, the Court could simply overturn the *Roe v. Wade* precedent that announced an implicit constitutional right to privacy and concluded such a right is broad enough to "encompass a woman's decision whether or not to terminate her pregnancy."

But the Court usually shies away from such abrupt turns. More likely, the justices could find narrower grounds to uphold the restrictions in the Missouri law. These provisions include a ban on abortions in publicly-owned facilities and a requirement that doctors satisfy a battery of tests to be certain that fetuses to be aborted are not advanced enough to live outside the womb.

Such a decision by the Court would invite a state-by-state battle to enact similar restrictions. Then, those restrictive state laws would percolate up to the high Court for review. Over time, the Court could chip away at the *Roe v. Wade* precedent and eventually discard it. Already, that prospect has both sides girding for war in statehouses from Albany to Sacramento.

"If the court turns around, it will be an epoch-making decision," said Dr. John Willke, president of the anti-abortion National Right to Life Committee. "In very short order you'd

find a great many states passing laws. Where we're given a window of opportunity, our folks will try to use that window of opportunity."

Kate Michelman, executive director of the National Abortion Rights Action League, is equally ready for combat. "The country is pro-choice, the Court is anti-choice, and we're on a collision course," she said. "The political and social chaos that will ensue if the Court does anything to restrict a woman's right to choose is not going to be a happy sight."

There is no telling how the debate would turn out in the California Legislature. Much has changed since 1967, when the state enacted its last omnibus legislation on the subject. The measure permitted abortions for the physical or mental health of the mother — and it was signed by then-Governor Reagan before he became a strict anti-abortionist.

Since then, the Legislature has routinely passed legislation banning government-funded Medi-Cal abortions for the poor, only to have the state Supreme Court reject that restriction.

The state Supreme Court has cited an explicit right to privacy in the California Constitution as the justification to overturn restrictions on abortions. The Court could continue to assert such independent state grounds even if the U.S. Supreme Court went in a different direction. But the state Court's increasingly conservative cast under justices appointed by Governor George Deukmejian raises doubts that it will hold to such a staunch abortion-rights approach.

Nor does the issue divide solely along predictable lines in the Legislature. Senate President Pro Tem David Roberti, a liberal Democrat from Los Angeles, is Catholic and strongly anti-abortion. So is liberal Democratic Assemblyman John Vasconcellos of San Jose.

In recent years, anti-abortion activists have seemed a more persistent and effective grassroots lobbying force than their opponents. But the defenders of legalized abortion insist that will quickly change if their sympathizers are shocked out of complacency by a hostile Supreme Court ruling.

ALTHOUGH ZEALOUS CONSERVATIVES and liberals may welcome a chance to take sides in the controversy over abortion, most middle-of-the-road candidates can imagine nothing worse than being forced to take sides in a dispute over a very personal form of surgery that is variously defended as a woman's sacred right and condemned as murder. Those on both sides of the issue predict state and local politicians will find it all but impossible to duck the divisive issue.

"It will be impossible for politicians to hide behind the Supreme Court decision" in *Roe v. Wade* anymore, said Gary Bauer, a former Reagan aide who now works with the conservative Family Research Council here. "There are a lot of folks out there who say, 'I've got real problems with abortion, but the Court has spoken.' Well, it's going to be right in their laps."

Larry Liebert is Washington Bureau Chief for the San Francisco Chronicle.

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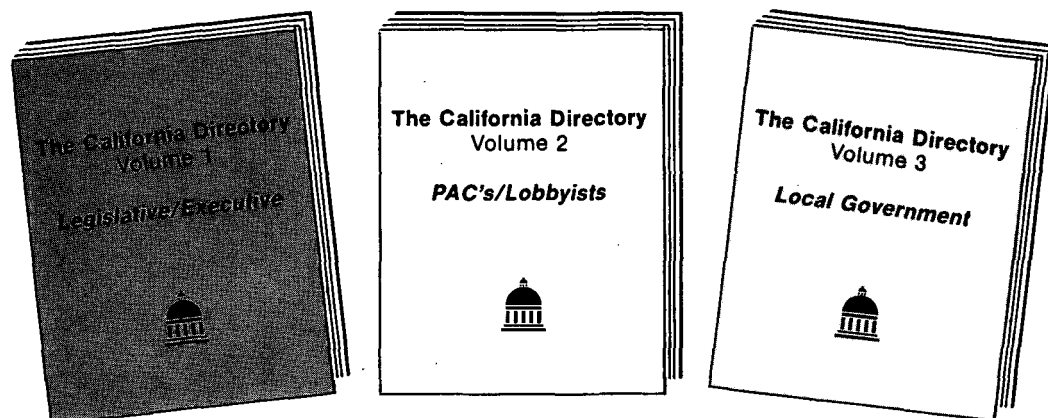


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